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STATEMENT OF INFORMATION

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE
ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT
GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO
EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

BOOK I

EVENTS PRIOR TO
THE WATERGATE BREAK-IN

December 2, 1971-June 17, 1972

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MAY-JUNE 1974

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WASHINGTON : 1974

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ERRATA

HEARINGS
BEFORE THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
NINETY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE
COMMITTEE ON THE JUDICIARY TO INVESTIGATE
WHETHER SUFFICIENT GROUNDS EXIST FOR THE
HOUSE OF REPRESENTATIVES TO EXERCISE ITS
CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON
PRESIDENT OF THE UNITED STATES OF AMERICA



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1974

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CORRECTIONS

TRANSCRIPTS OF EIGHT RECORDED CONVERSATIONS

[Note: Corrected portions of the text are italicized, where applicable.]

Page	Line	Corrected Text
9	34	shots <i>and it'll be over. And, we'll give them a few</i>
13	3	They've got a very weak man in Widnall, unfortu-
14	53	the Post [Note: <i>Final period deleted.</i>]
34	46	know, suppose that Felt <i>comes</i> out and unwraps the
35	3	he had a <i>guarantee</i> from somebody like Time maga-
41	3	you see, it's best not to <i>elevate</i> —and I get Ziegler
49	8	some potential embarrassment for Ken <i>Rietz</i> , uh,
50	34	President: Talk to Elliot Gompers [<i>phonetic</i>].
54	19	when they <i>convicted</i> seven people.
54	51	always been very up close about it, but he <i>is</i> now getting
61	29	rectors; <i>SAC's</i> out of Chicago," wherever, and just
63	15	Maybe let him go over to <i>U.S. News</i> , or who
63	23	to give an interview. I would do it in <i>U.S.</i>
67	26	won't be witnesses.
67	27	They won't be witnesses
67	28	Won't be witnesses.
74	52	friend, friend [<i>unintelligible</i>] Segretti, in to be a Dick Tuck on
95	9	[Note: <i>Delete the line.</i>]
95	12	<i>that</i> it's going to be, uh, well, it's cash money, and so
97	17	is the fellow who did the, the <i>Chappaquiddick</i> study

Page	Line	Corrected Text
110	26	he's very harmful, I <i>mean</i> I don't think—he must
126	43	—is covering-up. [<i>Note: Final period added.</i>]
135	4	[Unintelligible] it isn't <i>something</i> , it isn't, it isn't
139	37	least for a mistrial, <i>if</i> not for a—
142	15	Magruder going to jail, <i>Chapin</i> going to jail, you
143	30	Well, I really don't know, will <i>Petersen</i> —? Would
156	46	ter based on <i>the</i> documentation from the FBI and
158	10	what kind <i>of</i> work this is, but I agree that that's what
161	38	doesn't go because he's, <i>he's</i> got the lawyer privilege.
162	39	think they're—
162	40	They'll also—
162	41	<i>feeling</i> that, that, the, uh—Ervin's crack on tele-
169	5	in a row all <i>laid</i> out. But, at least you advise them
170	21	decision of Judge <i>Byrne's</i> [unintelligible] on the bail.
175	18	he took so vocally in the <i>Gravel</i> case,
178	43	<i>Yeah</i> . He calls himself—
185	10	<i>Kleindienst</i> to get in a position where—It's all right
185	11	from foreknowledge through <i>Kleindienst</i> .
185	29	<i>It isn't nash</i> —[unintelligible] <i>er</i> ,
185	30	<i>national</i> [unintelligible] <i>concerns me</i> .
185	31	[Unintelligible]
185	34	for [unintelligible]. I have nothing but intuition, but
186	2	on a legal <i>matter</i> and you don't want them to be, uh, used as

Page	Line	Corrected Text
186	-----	[<i>Note: After the last line on the page, add the following:</i> <i>At this point, a portion of the discussion has been deleted.</i>
188	35	other basis, then I think a leave of <i>absence</i> is then
189	52	Petersen on corroboration, [<i>Note: Comma replaces period.</i>]
195	23	<i>you</i> simply said, "Hunt needs this money." And you
203	36	about it. You're to say, "I, <i>I</i> told the President about
215	14	Lou Lavelle [<i>phonetic</i>] went. [Unintelligible]
218	10	leave the staff until their, their name is <i>cleared</i> ?
218	22	<i>trier</i> of the facts.

CORRECTION

STATEMENT OF INFORMATION: BOOK II PARAGRAPH 53.1, PAGE 594

[Note: Corrected portions of the text are italicized.]

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF FOR
THE HOUSE JUDICIARY COMMITTEE OF A RECORDING OF A MEET-
ING AMONG THE PRESIDENT, H. R. HALDEMAN AND JOHN DEAN
ON SEPTEMBER 15, 1972*

PRESIDENT. [Unintelligible]

HALDEMAN. John, he is one of the quiet guys that gets a lot done.
That was a good move, too, bringing Dean in. But it's—

President. Yeah.

HALDEMAN. It—He'll never, he'll never gain any ground for us.
He's just not that kind of guy. But, he's the kind that enables other
people to gain ground while he's making sure that you don't fall
through the holes.

PRESIDENT. Oh, You mean—

HALDEMAN. Between times, he's doing, he's moving ruthlessly on
the investigation of McGovern people, Kennedy stuff, and all that
too. I just don't know how much progress he's making, 'cause I—

PRESIDENT. The problem is that's kind of hard to find.

**The quotation marks used in this transcript are for convenience and do not indicate verbatim quotation by the speaker.*

CORRECTION

STATEMENT OF INFORMATION: BOOK VII—PART 1 PARAGRAPH 7.1, PAGE 229

[*Note: Corrected portions of the text are italicized.*]

7.1 SUMMARIES OF FBI LETTERS REPORTING ON WIRETAPS OF NSC EMPLOYEES

MR. N.

A total of 27 summaries were prepared from the electronic surveillance of Mr. N.: *fourteen* were addressed to the President starting on *July 10, 1969* and ending on May 11, 1970; *copies of those letters were also sent to Dr. Kissinger* and, in addition, *three* others were addressed to Dr. Kissinger in *May 1969*. *Eighteen* were addressed to H. R. Haldeman between *July 1969* and *February 10, 1971*. The summaries reported conversations between Mr. N. and journalists, representatives of special interest groups and members of politicians' staffs expressing opposition to the Vietnam war. The summaries also reported the activities of potential Democratic candidates as those activities were mentioned to Mr. N. and the activities of a Democratic candidate for the Presidency by whom Mr. N. was employed in the latter part of the time covered by the wiretap. One summary reported Mr. N.'s refusal to follow a suggestion that he leak to a journalist a statement by Kissinger.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

CORRECTION

STATEMENT OF INFORMATION: BOOK VII—PART 1 PARAGRAPH 11.1, PAGE 281

[*Note: The corrected portion of the text is italicized.*]

11.1 SUMMARIES OF FBI LETTERS REPORTING ON SURVEILLANCE OF THREE WHITE HOUSE STAFF MEMBERS

MR. F.

Reports were sent to the President on November 6, 1969, to Henry Kissinger on January 15, 1970 and to H. R. Haldeman on May 21 and June 23, 1970, reporting information on Mr. F., a White House aide. *All reports on Mr. F. related to conversations between Mr. F and a newsman who was also the subject of a wiretap.* Mr. F. was reported only to have discussed various domestic speeches or papers dealing with economics, the State of the Union and the political philosophy of the Administration.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

CORRECTION

STATEMENT OF INFORMATION: BOOK IX PARAGRAPH 90, PAGES 92, 569, 983

90. On April 12, 1974 Jaworski wrote to Senator Charles Percy stating that the government was obligated to produce at trial the material requested in Jaworski's March 12, 1974 letter respecting the trial of *United States v. Mitchell*, and that the failure of the White House to produce other requested evidence was impeding grand jury investigations of matters unrelated to the Watergate cover-up.

90.1	Letter from Leon Jaworski to Charles Percy, April 12 1974,	Page
	<i>Congressional Record</i> S7103-04-----	984

CORRECTIONS

STATEMENT OF INFORMATION: BOOK X PAGES 14, 27

Page 14, last line should read:

which contains autograph signatures and seals.^{64A} During the early stages of

Page 27, add:

64A.1 Chattel Deed from Richard M. Nixon to The United States of America, March 27, 1969 (executed April 10, 1970). Joint Committee Report, A295-310.

[*Note: Document 64A.1, which was omitted from Book X, follows:*]

A-295

Exhibit I - 44

CHATTEL DEED

from

RICHARD M. NIXON

to

THE UNITED STATES OF AMERICA

Dated: March 27, 1969

A-296

CHATTEL DEED

from

RICHARD M. NIXON

to

THE UNITED STATES OF AMERICA

The undersigned, Richard M. Nixon, does hereby give, assign, transfer, set over and deliver unto The United States of America all of his right, title and interest in and to the papers, manuscripts and other materials (hereinafter collectively referred to as "the Materials") which are listed and described in Schedule A annexed hereto and hereby made a part hereof, to have and to hold the same to The United States of America forever.

This conveyance is made to The United States of America without any reservation to the undersigned, Richard M. Nixon, of any intervening interest or any right to the actual possession of the said Materials, it being understood that the delivery of this Chattel Deed to the General Services Administrator shall convey to The United States of America the right and power immediately to take possession of the said Materials and to hold, use and dispose of the same, provided, however:

A-297

1. The undersigned shall have the right of access to any and all of the Materials and the right to copy or to have copied any and all of the Materials by any means of his selection, and to take and retain possession of any or all such copies for any purpose whatsoever. During such time as the undersigned shall hold the office of President of the United States, no person or persons shall have the right of access to such Materials except the undersigned and those who may be designated in writing by the undersigned, and in the case of any person or persons so designated, such right of access shall be limited to those Materials as shall be described in the instrument by which he, she, it or they shall be designated, and for the purposes specified in such instrument; and, if such instrument shall so provide, the person or persons designated therein shall have the further right to copy such of the Materials as shall be described in such instrument and to take and retain possession of such copies for such purposes as shall be specified in said instrument. The undersigned shall have the right and power at any time during his

A-298

lifetime to modify or remove this restriction as to any or all of the Materials and/or to grant access to any group or groups of persons by notification in writing to the General Services Administration or other appropriate agency of The United States of America.

2. If a Presidential archival depository shall be established for the housing and preservation of the Materials pertaining to the career of the undersigned in public service, then, as soon as practicable after the establishment of such depository, the Materials shall be transferred to and thereafter be housed and preserved at such Presidential archival depository. Until the establishment of such a depository, the Materials shall be housed and preserved at a place to be selected by the General Services Administrator or other appropriate agency of The United States of America.

3. Notwithstanding the foregoing restrictions, employees specifically designated by the archivist of the National Archives and Records Service shall, in the course of performance of their necessary archival duties, have such access

A-299

to the said Materials as shall be necessary for normal archival processing activities.

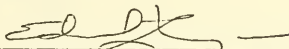
4. None of the foregoing restrictions is intended to prevent the Materials from being used exclusively for public purposes, and in no event shall any of the said restrictions be so construed, nor are they intended to vest in the undersigned any ownership or title thereto.

This instrument may be executed in duplicate, or triplicate, each of which shall be deemed an original.

Dated: March 27, 1969.

RICHARD M. NIXON
PRESIDENT OF THE UNITED STATES
OF AMERICA

By



Edward L. Morgan
Deputy Counsel to the President

A-300

STATE OF CALIFORNIA)
) ss.
 COUNTY OF LOS ANGELES)

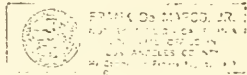
On this, the 26th day of April, 1969, before me, the undersigned Notary Public, personally appeared EDWARD L. MORGAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he is Deputy Counsel to the President of the United States and that he executed the foregoing instrument on behalf of the President, acting in his capacity as such Deputy Counsel, and that, as such Deputy Counsel, he is authorized to sign such document on behalf of the President of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.


 Notary Public

My commission expires:

August 5, 1970



A-301


AFFIDAVIT

STATE OF CALIFORNIA)
) ss.
 COUNTY OF LOS ANGELES)

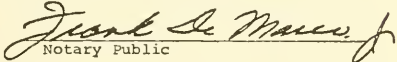
EDWARD L. MORGAN, being duly sworn, deposes
 and says:

That he is Deputy Counsel to Richard M. Nixon,
 President of the United States of America; that he was
 duly appointed and was acting in said capacity as such
 Deputy Counsel on March 27, 1969; that in said capacity
 he did, on behalf of, and as Deputy Counsel and agent for
 the said Richard M. Nixon, deposit at the National Archives
 Building, in the City of Washington, District of Columbia,
 pursuant to the express direction of the said Richard M.
 Nixon, all of those Materials specifically set forth in
 Schedule A attached hereto, being that Schedule A attached
 to that certain Chattel Deed from Richard M. Nixon to The
 United States of America dated March 27, 1969.

IN WITNESS WHEREOF I have hereunto affixed my
 hand this 21st day of April, 1969.


 Edward L. Morgan
 Deputy Counsel to the President

SUBSCRIBED AND SWORN TO Before me this 21st day
 of April, 1969.


 Notary Public

My commission expires:

August 5, 1970



A-302

SCHEDULE A ANNEXED TO AND PART
OF CHATTEL DEED FROM RICHARD
MILHOUS NIXON TO THE UNITED STATES
OF AMERICA, DATED MARCH 27, 1969

The materials conveyed by the Chattel Deed of which this Schedule A is a part, herewith deposited and housed in the National Archives Building, Washington, D. C., constituting six hundred thousand individual items contained within 1,176 file boxes, are more particularly described as follows:

I.	GENERAL CORRESPONDENCE AS VICE PRESIDENT	
	Boxes "AANDAH through ZWIENG"	
	Boxes 18 through 845, inclusive	828 Boxes
II.	APPEARANCE FILE 1948-1962	
	Boxes 1 through 173	173 Boxes
III.	CORRESPONDENCE RE INVITATIONS 1954-1961	56 Boxes
IV.	FOREIGN TRIP FILES AS VICE PRESIDENT	116 Boxes
V.	VISIT OF KHRUSHCHEV TO UNITED STATES	<u>3 Boxes</u>
	Total:	1,176 Boxes

CORRECTION

STATEMENT OF INFORMATION: APPENDIX I, PAGE IV

Page IV, add:

June 10, 1974, Letter from the President to Chairman Peter W. Rodino, Jr.

[*Note: The June 10, 1974 letter, which was omitted from Appendix I, follows:*]

[Extract from Presidential Documents: Richard Nixon, 1974, vol. 10, No. 4, pp. 592-594.]

SUBPOENA OF PRESIDENTIAL TAPES AND MATERIALS

THE PRESIDENT'S LETTER TO PETER W. RODINO, JR., CHAIRMAN OF THE HOUSE JUDICIARY COMMITTEE, IN RESPONSE TO THE COMMITTEE'S SUBPOENA. DATED JUNE 9, 1974. RELEASED JUNE 10, 1974

DEAR MR. CHAIRMAN:

In your letter of May 30, you describe as "a grave matter" my refusal to comply with the Committee's subpoenas of May 15. You state that "under the Constitution it is not within the power of the President to conduct an inquiry into his own impeachment," and add that "Committee members will be free to consider whether your refusals warrant the drawing of adverse inferences concerning the substance of the materials . . ."

The question of the respective rights and responsibilities of the Executive and Legislative branches is one of the cardinal questions raised by a proceeding such as the one the Committee is now conducting. I believe, therefore, that I should point out certain considerations which I believe are compelling.

First, it is quite clear that this is not a case of "the President conduct(ing) an inquiry into his own impeachment." The Committee is conducting its inquiry; the Committee has had extensive and unprecedented cooperation from the White House. The question at issue is not who conducts the inquiry, but where the line is to be drawn on an apparently endlessly escalating spiral of demands for confidential Presidential tapes and documents. The Committee asserts that it should be the sole judge of Presidential confidentiality. I cannot accept such a doctrine; no President could accept such a doctrine, which has never before been seriously asserted.

What is commonly referred to now as "executive privilege" is part and parcel of the basic doctrine of separation of powers—the establishment, by the Constitution, of three separate and co-equal branches of Government. While many functions of Government require the

concurrence or interaction of two or more branches, each branch historically has been steadfast in maintaining its own independence by turning back attempts of the others, whenever made, to assert an authority to invade, without consent, the privacy of its own deliberations.

Thus each house of the Congress has always maintained that it alone shall decide what should be provided, if anything, and in what form, in response to a judicial subpoena. This standing doctrine was summed up in a resolution adopted by the Senate on March 8, 1962, in connection with subpoenas issued by a Federal court in the trial of James Hoffa, which read: "Resolved, that by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from the control or possession, but by its permission . . .". More recently, in the case of Lt. William Calley, the Chairman of the House Armed Services subcommittee refused to make available for the court-martial proceeding testimony that had been given before the subcommittee in executive session—testimony which Lt. Calley claimed would be exculpatory. In refusing, the subcommittee chairman, Representative Hébert, explained that the Congress is "an independent branch of the Government, separate from but equal to the Executive and Judicial branches," and that accordingly only Congress can direct the disclosure of legislative records.

Equally, the Judicial branch has always held sacrosanct the privacy of judicial deliberations, and has always held that neither of the other branches may invade Judicial privacy or encroach on Judicial independence. In 1953, in refusing to respond to a subpoena from the House Un-American Activities Committee, Justice Tom C. Clark cited the fact that "the independence of the three branches of our Government is the cardinal principle on which our Constitutional system is founded. This complete independence of the judiciary is necessary to the proper administration of justice." In 1971, Chief Justice Burger analogized the confidentiality of the Court to that of the Executive, and said: "No statute gives this Court express power to establish and enforce the utmost security measures for the secrecy of our deliberations and records. Yet I have little doubt as to the inherent power of the Court to protect the confidentiality of its internal operations by whatever judicial means may be required."

These positions of the Courts and the Congress are not lightly taken; they are essential to maintaining the balances among the three branches of Government. Equal firmness by the Executive is no less essential to maintaining that balance.

The general applicability of the basic principle was summed up in 1962 by Senator Stennis, in a ruling upholding President Kennedy's refusal to provide information sought by a Senate subcommittee. Senator Stennis held: "We are now come face to face and are in direct conflict with the established doctrine of separation of powers. . . . I know of no case where the Court has ever made the Senate or the House surrender records from its files, or where the Executive has made the Legislative Branch surrender records from its files—and I do not think either one of them could. So the rule works three ways. Each is supreme within its field, and each is responsible within its field."

If the institution of an impeachment inquiry against a President were permitted to override all restraints of separation of power, this would spell the end of the doctrine of separation of powers; it would be an open invitation to future Congresses to use an impeachment inquiry, however frivolously, as a device to assert their own supremacy over the Executive, and to reduce Executive confidentiality to a nullity.

My refusal to comply with further subpoenas with respect to Watergate is based, essentially, on two considerations.

First, preserving the principle of separation of powers—and of the Executive as a co-equal branch—requires that the Executive, no less than the Legislative or Judicial branches, must be immune from unlimited search and seizure by the other co-equal branches.

Second, the voluminous body of materials that the Committee already has—and which I have voluntarily provided, partly in response to Committee requests and partly in an effort to round out the record—does give the full story of Watergate, insofar as it relates to Presidential knowledge and Presidential actions. The way to resolve whatever ambiguities the Committee may feel still exist is not to pursue the chimera of additional evidence from additional tapes, but rather to call live witnesses who can place the existing evidence in perspective, and subject them to cross-examination under oath. Simply multiplying the tapes and transcripts would extend the proceedings interminably, while adding nothing substantial to the evidence the Committee already has.

Once embarked on a process of continually demanding additional tapes whenever those the Committee already has fail to turn up evidence of guilt, there would be no end unless a line were drawn somewhere by someone. Since it is clear that the Committee will not draw such a line, I have done so.

One example should serve to illustrate my point. In issuing its subpoena of May 15, the Committee rested its argument for the necessity of these additional tapes most heavily on the first of the additional conversations subpoenaed. This was a meeting that I held on April 4, 1972, in the Oval Office, with then Attorney General Mitchell and H. R. Haldeman. The Committee insisted that this was necessary because it was the first meeting following the one in Key Biscayne between Mr. Mitchell and his aides, in which, according to testimony, he allegedly approved the intelligence plan that led to the Watergate break-in; and because, according to other testimony, an intelligence plan was mentioned in a briefing paper prepared for Mr. Haldeman for the April 4 meeting. Committee members made clear their belief that the record of this meeting, therefore, would be crucial to a determination of whether the President had advance information of the intelligence activities that included the break-in.

As it happens, there also was testimony that the ITT matter had been discussed at that April 4 meeting, and the Committee therefore also requested the April 4 conversation in connection with its ITT investigation. On June 5, 1974, a complete transcript was provided to the Committee for the purposes of the ITT probe, together with an invitation to verify the transcript against the actual tape. This transcript shows that not a word was spoken in that meeting about intelligence plans, or about anything remotely related to Watergate—as the Committee can verify.

I cite this instance because it illustrates clearly—on the basis of material the Committee already has—the insubstantiality of the claims being made for additional tapes; and the fact that a Committee demand for material does not automatically thereby convert the requested material into “evidence.”

As for your declaration that an adverse inference could be drawn from my assertion of Executive privilege with regard to these additional materials, such a declaration flies in the face of established law on the assertion of valid claims of privilege. The Supreme Court has pointed out that even allowing comment by a judge or prosecutor on a valid Constitutional claim is “a penalty imposed by courts for exercising a Constitutional privilege,” and that “it cuts down on the privilege by making its assertion costly.” In its deliberations on the Proposed Federal Rules of Evidence, the House of Representatives—in its version—substituted for specific language on the various forms of privilege a blanket rule that these should “be governed by the principles of the Common law as they may be interpreted by the courts of the United States in light of reason and experience. . . .” But as adopted in 1972 by the Supreme Court—the final arbiter of “the principles of the Common law as . . . interpreted by the courts,” and as codification of those principles—the Proposed Federal Rules clearly state: “The claim of a privilege, whether in the present proceeding or in a prior occasion, is not the proper subject of comment by judge or counsel. No inference may be drawn therefrom.”

Those are legal arguments. The common-sense argument is that a claim of privilege, which is valid under the doctrine of separation of powers and is designed to protect the principle of separation of powers, must be accepted without adverse inference—or else the privilege itself is undermined, and the separation of powers nullified.

A proceeding such as the present one places a great strain on our Constitutional system, and on the pattern of practice of self-restraint by the three branches that has maintained the balances of that system for nearly two centuries. Whenever one branch attempts to press too hard in intruding on the Constitutional prerogatives of another, that balance is threatened. From the start of these proceedings, I have tried to cooperate as far as I reasonably could in order to avert a Constitutional confrontation. But I am determined to do nothing which, by the precedents it set, would render the Executive branch henceforth and forevermore subservient to the Legislative branch, and would thereby destroy the Constitutional balance. This is the key issue in my insistence that the Executive must remain the final arbiter of demands on its confidentiality, just as the Legislative and Judicial branches must remain the final arbiters of demands on their confidentiality.

Sincerely,

RICHARD NIXON

[The Honorable Peter W. Rodino, Jr., Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C. 20515]

CORRECTIONS

TESTIMONY OF WITNESSES: BOOK III CHARLES W. COLSON

[*Note: Corrected portions of the text are italicized.*]

Page	Line	Corrected Text
404	14	the counsel that <i>he was</i> dealing with. Mr. Kalmbach said he had
404	34	Jacobson and <i>Semer</i> , I guess—just never could get away from the idea
405	47	plaints in the Congress about it, and I think Mr. <i>Harrison</i> wrote some
407	20	people, including my assistant, Mr. <i>Cashen</i> . Mr. <i>Cashen</i> told me that
407	23	Mr. Harrison advises me that Mr. <i>Cashen</i> called him that day, and
415	22	was then negotiating almost impossible, because it disclosed <i>for</i>
440	17	things in chronological order. He was—I have <i>now</i> read my own grand
450	24	advance the creation of the plumbers. <i>Also</i> that <i>he</i> recalled discuss-
460	39	dummy committees that had been established, the intent was
470	21	Mr. Mitchell used to meet regularly in Mr. <i>Haldeman's</i> office to dis-
482	31	<i>offense</i> that I can in conscience and honesty say I did do. This is one
494	41	present, <i>Bryce Harlow</i> —
498	19	of, <i>thank</i> God, we didn't discuss clemency or words to that effect, I believe

Page	Line	Corrected Text
498	22	only time I ever recall him saying " <i>thank</i> God—
498	31	always said, well, you know, maybe he said, <i>thank</i> God or yes, good,
503	48	Mr. COLSON. 1971. I could not say independently, Ms. Holtzman,
504	24	later that there had been a covert attempt to obtain <i>files</i> .
504	40	Magruder and Mitchell. I called Magruder and said hear
507	3	alluded to in the March 30 memo where I say that <i>Merriam's</i> testimony
508	31	it was discovered that they were taking documents out of the <i>NSC</i> is
514	14	interviews (<i>in</i> alias).

CORRECTIONS

REPORT OF THE COMMITTEE, AUGUST 20, 1974

[Note: Corrected portions of the text are italicized, where applicable.]

Page	Line	Corrected Text
51	35	checks totalling \$114,000, <i>four bearing the name Ogarrio and one</i>
51	36	<i>bearing the name Dahlberg</i> , which had passed through the bank account of Watergate
96	-----	[Note: The section heading should be <i>IV</i> rather than <i>III</i> .]
127	-----	[Note: The footnote reference in Section B, line 5 should be <i>number 1</i> . The number of the footnote at the bottom of the page should be <i>number 1</i> . Subsequent footnotes should be renumbered accordingly.]
183	-----	[Note: Delete the entire text.]
354	48	sought to answer these questions in the affirmative.
354	49	ROBERT McCLORY.
354	50	We concur in full with the foregoing views on Article III.
354	51	GEORGE E. DANIELSON.
354	52	HAMILTON FISH, JR.

FOREWORD

By Hon. Peter W. Rodino, Jr., Chairman,
Committee on the Judiciary

On February 6, 1974, the House of Representatives adopted by a vote of 410-4 the following House Resolution 803:

RESOLVED, That the Committee on the Judiciary acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the Rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

Beginning in November 1973, acting under resolutions referred to the Committee by the Speaker of the House and with a special appropriation, I had begun to organize a special staff to investigate serious charges against the President of the United States.

On May 9, 1974, as Chairman of the Committee on the Judiciary, I convened the Committee for hearings to review the results of the Impeachment Inquiry staff's investigation. The staff began its initial presentation the same day, in executive session, pursuant to the Committee's Impeachment Inquiry Procedures adopted on May 2, 1974.

By June 21, the Inquiry staff had concluded its initial presentation.

On June 25, the Committee voted to make public the initial presentation including substantially all of the supporting material

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HOUSE OF REPRESENTATIVES

presented at the hearings. The Committee also voted to make public the President's response, which was presented to the Committee on June 27 and June 28 in the same form and manner as the Inquiry staff's initial presentation.

Statements of information and supporting evidentiary material were compiled by the Inquiry staff in 36 notebooks and furnished in this form to each Member of the Committee. The notebooks presented material on several subjects of the Inquiry: the Watergate break-in and its aftermath, ITT, dairy price supports, domestic surveillance, abuse of the IRS, and the activities of the Special Prosecutors.

The staff also presented to the Committee written reports on President Nixon's income taxes, Presidential impoundment of funds appropriated by Congress, and the bombing of Cambodia.

Fifteen notebooks were furnished to the Members of the Committee relating to the Watergate break-in on June 17, 1972 and to events following the break-in, through April 30, 1973. In each notebook a statement of information relating to a particular phase of the investigation was immediately followed by supporting evidentiary material, which included copies of documents and testimony (much already on public record), transcripts of Presidential conversations and affidavits.

The fifteen volumes relating to the Watergate phase of the Inquiry were divided into four books, as follows:

Book I - Events Prior to the Watergate Break-In
12/2/71 - 6/17/72

Book II - Events Following the Watergate Break-In
6/17/72 - 2/9/73

Book III - Events Following the Watergate Break-In
6/20/72 - 3/22/73

Book IV - Events Following the Watergate Break-In
3/22/73 - 4/30/73

Book I dealt with events prior to the Watergate break-in. Book II dealt with allegations involving Presidential interference with the official Department of Justice investigation. Book III dealt with allegations concerning payments of "hush" money to Watergate defendants to insure their silence, offers of leniency and executive clemency, and the instigating or making of false statements to persons connected with an official investigation of Watergate; Book III also included a chronology of events between February 9 and March 22, 1973. Book IV dealt with events relating to the President's investigation of the Watergate break-in and alleged cover-up between March 22 and April 30, 1973.

Every effort was made to preclude inferences in the presentation of this material. A deliberate and scrupulous abstention from conclusions, even by implication, was observed.

With respect to the Presidential recorded conversations, the Committee determined to hear the recorded conversations in their entirety. The Presidential recorded conversations were neither paraphrased nor summarized by the Inquiry staff. Thus, no inferences, or conclusions were drawn for the Committee. During the course of the hearings, Members of the Committee heard each recording and simultaneously followed transcripts prepared by the Inquiry staff. Each of

these transcripts is reprinted under the appropriate Statement of Information.

During the course of the hearings, the Committee found it necessary to issue four subpoenas to President Richard Nixon requiring tape recordings of 98 Presidential conversations as well as all papers and things prepared by, sent to, received by, or at any time contained in the files of H. R. Haldeman, John D. Ehrlichman, Charles W. Colson, John Dean, III, and Gordon Strachan to the extent that such papers or things related or referred directly or indirectly to the break-in and electronic surveillance of the Democratic National Committee Headquarters in the Watergate office building during May and June of 1972 or the investigations of that break-in by the Department of Justice, the Senate Select Committee on Presidential Campaign Activities, or any other legislative, judicial, executive or administrative body, including members of the White House staff.

The Committee also subpoenaed the President's daily diaries (logs of Presidential meetings, telephone calls, and other activities) for the periods April through July 1972, February through April 1973, July 12 through July 31, 1973 and October 1973.

In response to these subpoenas, the President furnished only edited White House transcripts of 31 of the subpoenaed conversations between March 17 and April 18, 1973. These edited transcripts were summarized by the Inquiry staff and made a part of the evidentiary material presented to the Committee. To the extent that the President declined to comply with the Committee's subpoenas and produce the

required material, the record of the Committee now made public in these volumes is incomplete.

In a few instances, Ranking Minority Member Mr. Hutchinson and I determined, pursuant to authority granted us by the Committee, to defer the release of evidentiary material or to delete it for one of the following reasons:

1) Because the public interest in making the material public was outweighed by the potential prejudice to the rights of defendants under indictment and awaiting trial.

2) Because the information was classified or otherwise required confidential treatment,

3) Because the material was only marginally pertinent and was considered to be defamatory, degrading or embarrassing, or,

4) Because the material was not pertinent to Presidential responsibility within the outer limits of an impeachable offense within the meaning of the Constitution.

The Committee on the Judiciary is working to follow faithfully its mandate "to investigate fully and completely" whether or not sufficient grounds exist to recommend that the House exercise its constitutional power of impeachment.

I believe that the readers of these volumes will see that the Committee's primary effort in carrying out its mandate has been to obtain an objective, impartial presentation which will enable each Member of the Committee to make an informed judgment in fulfilling his or her constitutional responsibility.

I also believe that the publication of the record of these hearings will provide readers with a clear idea of the particulars of the investigation and that the proximity of the evidence will assure them that no statement of information is offered without supporting evidentiary material.

Peter W. Rodin

July. 1974

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INTRODUCTORY NOTE

The material contained in this volume is presented in two sections. Section 1 contains a statement of information footnoted with citations to evidentiary material. Section 2 contains the same statement of information followed by the supporting material.

Supporting material consists of information obtained at hearings before the Senate Select Committee on Presidential Campaign Activities; information developed in executive session by other Congressional committees; information furnished to the Committee by the Grand Jury of the District of Columbia and by other grand juries; information furnished to the Committee by government agencies; transcripts of tape recordings of conversations among President Nixon and his key associates prepared by the Committee staff; information furnished to the Committee by the President, the Executive Departments of the Government, the Special Prosecutor, and other information obtained by the Committee, much of which was already on the public record.

Each page of supporting evidence is labeled with the footnote number and a description of the document or the name of the witness testifying. Copies of entire pages of documents and testimony are included, with brackets around the portions pertaining to the statement of information. Markings on the documents include item numbers and receipt stamps of the House Judiciary Committee and other agencies from which the Committee received material.

In a few instances, names of persons in sensitive positions have been deleted from documents at the request of the CIA, FBI and other investigative agencies. Some documents contained deletions when the Committee received them.

In the citation of sources, the following abbreviations are used: "SSC" for Senate Select Committee on Presidential Campaign Activities; "SJC" for Senate Judiciary Committee; and "HJC" for House Judiciary Committee.

IMPEACHMENT INQUIRY

- - -

Thursday, May 9, 1974

- - -

House of Representatives,
Committee on the Judiciary,
Washington, D. C.

The Committee met, pursuant to notice, at 1:05 o'clock p.m., in Room 2141, Rayburn House Office Building, the Honorable Peter W. Rodino (Chairman) presiding.

Present: Representatives Rodino (presiding), Donohue, Brooks, Kastenmeier, Edwards, Hungate, Conyers, Eilberg, Waldie, Flowers, Mann, Sarbanes, Seiberling, Danielson, Drinan, Rangel, Jordan, Thornton, Holtzman, Owens, Mezvinsky, Hutchinson, McClory, Smith, Sandman, Railsback, Wiggins, Dennis, Fish, Mayne, Hogan, Butler, Cohen, Lott, Froeh Moorhead, Maraziti and Latta.

- - -

Also present: Jerome M. Zeifman, General Counsel; Garner F. Cline, Associate General Counsel; Franklin Polk, Associate Counsel; John Doar, Special Counsel; Albert E. Jenner, Jr., Minority Counsel; Samuel Garrison III, Counsel; and Evan Davis, Counsel.

- - -

Mr. Rodino. The meeting will come to order.

OPENING STATEMENT BY CONGRESSMAN RODINO OF NEW JERSEY

Mr. Rodino. Three months ago the House of Representatives considered H. Res. 803. The resolution read as follows:

"RESOLVED, That the Committee on the Judiciary, acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The Committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper."

The House adopted that resolution by a vote of 410 to 4. We are proceeding under the mandate of that resolution.

I do not need to stress again the importance of our undertaking and the wisdom, decency and principle which we must bring to it.

We understand our high constitutional responsibility. We will faithfully live up to it.

For some time we have known that the real security of this nation lies in the integrity of its institutions and the trust and informed confidence of its people. We conduct our deliberations in that spirit.

We shall begin our hearings by considering materials relevant to the question of Presidential responsibility for the Watergate break-in and its investigation by law enforcement agencies. This is one of six areas of our inquiry. We expect to continue our inquiry until each area has been thoroughly examined.

First, we will consider detailed information assembled by the staff. This consists of information already on the public record, information developed in executive session by other Congressional committees, information furnished by the Federal grand jury of the District of Columbia, and other information.

After today the Committee will meet regularly, three days a week, for all-day sessions beginning next Tuesday at 9:30 a.m.

The Chairman will, as circumstances dictate, be ready to notice such business meetings as may be necessary.

During the initial presentation, Special Counsel and Minority Counsel will explain and summarize the materials.

Our proceedings are governed by the Rules of Confidentiality that the Committee adopted on February 22nd and the Rules of Procedure adopted May 2nd. The Committee has the power to modify or change these rules during the course of the hearings.

Some of the materials which the Committee will consider have been held confidential by the staff, by Mr. Hutchinson and myself. This material includes tape recordings of conversations among President Nixon and his key associates. We will listen to these recordings during these hearings.

After the Judiciary Committee has had the opportunity to consider this material it will decide if and when, in the national interest, this material should be made public.

The Judiciary Committee has determined that President Nixon should be accorded the opportunity to have his counsel present throughout the proceedings. Mr. James St. Clair is present today. After the

initial proceedings are completed, Mr. St. Clair will be afforded the opportunity to respond to the presentation, orally or in writing, as determined by the Committee. He and his assistant understand the Committee's Rules of Procedure and the Committee's Rules of Confidentiality, and they are bound by those rules.

Our proceedings will be conducted under the Rules of the House of Representatives. Technical rules of evidence do not apply. We are governed by the Constitution of the United States which vests the sole power of impeachment in the House.

* * * * *

On June 25, 1974, the Committee on the Judiciary voted to make public the statements of information and evidentiary material which were presented by the staff to the Committee in executive session from May 9, 1974 through June 21, 1974.

[The material referred to follows.]

STATEMENT OF INFORMATION

EVENTS PRIOR TO

THE WATERGATE BREAK-IN

December 2, 1971 - June 17, 1972

1. On December 2, 1971 Gordon Strachan reported in writing to H. R. Haldeman, Assistant to President Nixon, on activities relating to the President's re-election campaign. In his Political Matters Memorandum of that date Strachan reported:

John Dean -- The Attorney General discussed with John Dean the need to develop a political intelligence capability. Sandwedge has been scrapped. Instead, Gordon Liddy, who has been working with Bud Krogh, will become general counsel to the Committee for the Re-Election of the President, effective December 6, 1971. He will handle political intelligence as well as legal matters. Liddy will also work with Dean on the "political enemies" project.

Jack Caulfield will go over to the Committee when the Attorney General moves. Caulfield will handle the same projects he currently does. In addition he will assume responsibility for the personal protection of the Attorney General.

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2. In response to a Political Matters Memorandum from Strachan dated December 6, 1971, Haldeman approved Gordon Liddy's transfer to the Committee for the Re-Election of the President (CRP) at an increase of \$4,000 per annum above his White House salary, as an exception to the rule that no White House employee would receive a salary at CRP higher than that which he was receiving at the White House.

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3. On January 27, 1972 Attorney General John Mitchell, John Dean, Jeb Magruder, acting CRP campaign director, and G. Gordon Liddy, who had assumed his position as CRP counsel, met in Mitchell's office. At this meeting Liddy proposed a \$1 million political intelligence operation, which contemplated the use of electronic surveillance of political opponents, abduction of radical leaders, muggings, and the use of call girls. Mitchell rejected the proposal.

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4. On February 4, 1972 Attorney General Mitchell, John Dean, Jeb Magruder and Gordon Liddy met in Mitchell's office. Liddy presented a modified version of his proposal with a budget of \$500,000. The proposal included plans for electronic surveillance of political opponents. Magruder and Dean have testified that the targets included the office of Lawrence O'Brien, the Chairman of the Democratic National Committee (DNC); the DNC headquarters; and the Democratic Convention headquarters at the Fontainebleau Hotel in Miami, Florida. Magruder has also testified that the office of Henry Greenspun, editor of the Las Vegas Sun, was mentioned as another target. Mitchell has denied that there was discussion of specific targets. The meeting ended when Dean stated that these subjects should not be discussed in the office of the Attorney General of the United States. Following the meeting, Dean reported on the meeting to Haldeman.

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5. In February 1972 H. R. Haldeman directed that \$350,000 cash in campaign funds be placed under his unquestioned personal control. The money was picked up by Gordon Strachan, Haldeman's assistant, in early April 1972. Strachan in turn delivered it to Alexander Butterfield, a deputy assistant to the President. Butterfield delivered the money to a personal friend for safekeeping. This fund was maintained substantially intact until after the November election.

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6. Prior to March 30, 1972 Charles Colson, Special Counsel to the President, met with Gordon Liddy and Howard Hunt, a White House consultant who had served with Liddy in the "Plumbers" unit. During the meeting Colson telephoned Jeb Magruder. Colson has stated that he urged Magruder "to resolve whatever it was Hunt and Liddy wanted to do and to be sure he had an opportunity to listen to their plans."

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7. On March 30, 1972 former Attorney General John Mitchell, who had been officially designated CRP Campaign Director; Jeb Magruder, Mitchell's chief of staff; and Fred LaRue, a special assistant to Mitchell, met at Key Biscayne, Florida to discuss campaign matters. Liddy's intelligence-gathering plan, now budgeted for \$250,000, was again discussed. Magruder has testified that Mitchell approved the plan, and that the plan specifically approved entry into the DNC headquarters and, if funds were available, entry into the headquarters of presidential contenders and Democratic convention headquarters at the Fontainebleau Hotel in Miami. LaRue has testified that Mitchell stated that they did not have to do anything on the plan at that time. Mitchell has testified that he rejected the plan. After the March 30, 1972 meeting, Magruder asked his assistant, Robert Reisner, to tell Liddy that his proposal had been approved. Reisner telephoned Liddy and conveyed Magruder's message.

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8. On March 31, 1972 Gordon Strachan reported in writing to H.R. Haldeman in a Political Matters Memorandum that Magruder had reported that CRP "now has a sophisticated political intelligence gathering system including a budget of [\$]300[000]." Strachan attached tabs to the Memorandum, including a tab referring to political intelligence reports on Senator Humphrey's Pennsylvania campaign organization by a source identified as "Sedan Chair II." On or before April 4, 1972 Strachan prepared a talking paper for Haldeman's use during a meeting with Mitchell scheduled for April 4, 1972 at 3:00 p.m. The talking paper included a paragraph relating to the intelligence system, raising questions as to whether it was adequate and whether it was "on track." (As indicated below in Paragraph 9, both the Political Matters Memorandum and the talking paper were destroyed following the break-in at the Watergate offices of the DNC.)

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9. On April 4, 1972, from approximately 3:00 p.m. until approximately 4:00 p.m., Mitchell and Haldeman met in Haldeman's White House office. Haldeman has testified that he does not believe political intelligence was discussed at the meeting. From 4:13 p.m. until 4:50 p.m., Haldeman and Mitchell met with the President. Haldeman testified that his notes of this meeting indicate a discussion of the "ITT-Kleindienst" hearings and the assignment of regional campaign responsibility and do not indicate a discussion of intelligence. Haldeman later returned to Gordon Strachan the talking paper specified in the preceding paragraph. It was Haldeman's practice to indicate on the talking paper agenda matters that had not been discussed. In this instance there was no such indication with respect to the agenda items covering political intelligence. Strachan has testified that on June 20, 1972, shortly after the break-in at the DNC headquarters in the Watergate office building, he showed Haldeman the Political Matters Memorandum referring to the sophisticated intelligence gathering system and other sensitive materials from Haldeman's files, and that he was instructed by Haldeman to clean out the files. Strachan immediately destroyed the Political Matters Memorandum, the talking paper he had prepared for the April 4, 1972 meeting between Mitchell and Haldeman, and other sensitive documents. Haldeman has testified that he has no recollection of giving Strachan instructions to destroy any materials.

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10. On or about April 7, 1972 Gordon Liddy showed a budget of \$250,000 to Hugh Sloan, Treasurer of the Finance Committee to Re-elect the President (FCRP). Liddy told Sloan that he would be coming back to Sloan in a day or two to pick up the first cash payment, which was to be \$83,000. Sloan telephoned Magruder, who authorized Sloan to disburse to Liddy the \$83,000 requested. Magruder told Sloan that Magruder was to approve all subsequent disbursements of money to Liddy.

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11. On or about April 7, 1972 Sloan met with Maurice Stans, Chairman of FCRP. Sloan told Stans that Magruder had approved a cash disbursement of \$83,000 to Liddy. Stans met with Mitchell to confirm Magruder's authority to authorize the requested disbursement. Mitchell told Stans that Magruder had the authority to authorize expenditures to Liddy. Stans then met with Sloan and confirmed Magruder's authority to approve the disbursement of funds to Liddy. Stans has testified that when asked by Sloan the purpose for which the money was to be expended, he replied, "I don't know what's going on in this campaign and I don't think you ought to try to know."

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12. On or about April 12, 1972 Gordon Liddy gave James McCord, security consultant for CRP, \$65,000 for purchasing electronic equipment and for related purposes.

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12.1 James McCord testimony, 1 SSC 169-70.....	188
12.2 Accounting of expenditure of \$76,000, submitted for the record by James McCord, 1 SSC 448.....	190

13. In April 1972 Assistant to the President H. R. Haldeman met with Gordon Strachan and instructed Strachan to contact Gordon Liddy and advise him to transfer whatever "capability" he had from the presidential campaign of Senator Edmund Muskie to the campaign of Senator George McGovern. Strachan met with Liddy in Strachan's White House office and told Liddy of Haldeman's desire to have Liddy's "capability" transferred from the Muskie campaign to the McGovern campaign. Haldeman has testified that he does not recall giving Strachan that instruction.

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14. In April 1972 Gordon Liddy told Howard Hunt that the DNC headquarters would be a target of electronic surveillance.

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14.1 E. Howard Hunt testimony, 9 SSC 3708, 3764, 3792.....	198

15. Shortly before May 25, 1972 a group, including Bernard Barker, Eugenio Martinez, Virgilio Gonzalez and Frank Sturgis, came to Washington, D.C. from Miami, Florida in response to a request from Howard Hunt to Barker for a team of men to conduct a mission. On or about May 25 and May 26, 1972, two unsuccessful attempts were made to enter surreptitiously the premises of the DNC, and one unsuccessful attempt was made to enter surreptitiously Senator McGovern's headquarters.

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15.1 Bernard Barker testimony, SSC Executive Session, May 11, 1973, 196-97.	202
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15.4 E. Howard Hunt testimony, SSC Executive Session, December 17, 1973, 13-15.	209
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16. On or about May 27, 1972 under the supervision of Gordon Liddy and Howard Hunt, McCord, Barker, Martinez, Gonzalez, and Sturgis broke into the DNC headquarters. McCord placed two monitoring devices on the telephones of DNC officials, one on the telephone of Chairman Lawrence O'Brien, and the second on the telephone of the executive director of Democratic state chairmen, R. Spencer Oliver, Jr. Barker selected documents relating to the DNC contributors, and these documents were then photographed.

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17. On May 28, 1972 Alfred Baldwin, an employee of CRP, began intercepting conversations derived from the monitoring devices placed in the telephones at the DNC. Baldwin was unable to pick up the signal from the device placed in Lawrence O'Brien's telephone. Between May 28 and June 16, 1972 Baldwin monitored approximately 200 conversations and each day gave the logs and summaries to McCord. McCord delivered these logs and summaries to Liddy, except on one occasion when Baldwin delivered the logs to the CRP headquarters.

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18. During the first or second week in June 1972, Magruder received transcripts of conversations intercepted from the DNC headquarters. The transcripts were typed on stationery captioned "Gemstone." In addition to the transcripts, Magruder was supplied with prints of the documents photographed during the initial entry into the DNC headquarters. During this period, Magruder handed his administrative assistant, Robert Reisner, documents on the top of which was printed the word "Gemstone." Magruder instructed Reisner to place the Gemstone documents in a file marked "Mr. Mitchell's file," which was to be used for a meeting between Magruder and Mitchell. Shortly after the June 17, 1972 break-in at the DNC headquarters, Magruder told Reisner to remove the Gemstone files containing transcripts of conversations and other politically sensitive documents from the CRP files. Thereafter Reisner destroyed certain documents.

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19. Before June 17, 1972 Liddy, Hunt, Barker and McCord engaged in certain preliminary intelligence activities preparatory to the Democratic National Convention to be held in Miami, Florida.

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20. On June 17, 1972 at approximately 2:00 a.m., McCord, Barker, Sturgis, Gonzalez and Martinez were arrested for burglary in the Watergate offices of the DNC. On September 15, 1972 Howard Hunt, Gordon Liddy, and the five men who had been arrested at the DNC headquarters were named in an eight-count indictment charging, among other offenses, conspiracy illegally to obtain and use information from the offices and headquarters of the DNC. Hunt, Barker, Sturgis, Gonzalez and Martinez entered pleas of guilty. Liddy and McCord stood trial and were convicted on all charges. On August 16, 1973 Jeb Magruder pled guilty to an information charging, among other offenses, conspiracy unlawfully to obtain and use information from headquarters of the DNC.

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STATEMENT OF INFORMATION

AND

SUPPORTING EVIDENCE

EVENTS PRIOR TO

THE WATERGATE BREAK-IN

December 2, 1971 - June 17, 1972

1. On December 2, 1971 Gordon Strachan reported in writing to H. R. Haldeman, Assistant to President Nixon, on activities relating to the President's re-election campaign. In his Political Matters Memorandum of that date Strachan reported:

John Dean -- The Attorney General discussed with John Dean the need to develop a political intelligence capability. Sandwedge has been scrapped. Instead, Gordon Liddy, who has been working with Bud Krogh, will become general counsel to the Committee for the Re-Election of the President, effective December 6, 1971. He will handle political intelligence as well as legal matters. Liddy will also work with Dean on the "political enemies" project.

Jack Caulfield will go over to the Committee when the Attorney General moves. Caulfield will handle the same projects he currently does. In addition he will assume responsibility for the personal protection of the Attorney General.

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THE WHITE HOUSE
WASHINGTON

6 ~~ME~~

Administratively Confidential

December 2, 1971

MEMORANDUM FOR:

H.R. HALDEMAN

FROM:

WH

GORDON STRACHAN G

SUBJECT:

001094

Political Matters

The Nixon Finance Committee of Lee Nunn and Hugh Sloan has received 1,700 and disbursed 630, leaving a balance of 1,070. The receipts are low because fundraising was curtailed before the November 9 RNC dinner and Secretary Stans does not return from Russia until December 6. On his return the Attorney General is prepared to discuss with him the position of Financial Chairman for 1972.

Herb Kalmbach now has pledges of 11,600 but "in the barn" receipts are only 1,000. However, he believes there will be a 95% delivery on the pledges.

The RNC financial situation will be reviewed by the Attorney General on December 4. Magruder will meet with Tom Evans on December 2 and 3 to get detailed budget and receipt figures from the RNC with particular focus on the November 9 dinners.

Concerning ambassadorships, Kalmbach will get a case by case determination from the Attorney General as he did in the case of John Safer. Kalmbach has tried to approach Flanigan but continues to have the same problems of having telephone calls returned and reaching an understanding.

The Committee for the Re-Election of the President has a December budget of 100,000, of which 50,000 is salary, 16,000 travel and entertainment, and 36,000 operating expenses. The budget submitted to the Attorney General does not list the 40 employees and their individual salaries.

Cliff Miller -- He met with the Attorney General on December 2 for one hour to review the Campaign. The Attorney General asked Miller to know the details and to supply independent advice on polling and research, advertising, the PR - press area, and telephone - direct mail. Miller expressed his view, that the weakest part of the Campaign was Harry Flemming's

-2-

WVW

field operation. The Attorney General admitted that there was a problem, which the Attorney General planned to alleviate by bringing in "fellows with a little more stature", such as Mardian. Also, the Attorney General has kept Flemming under "very close reins" so far.

001096

The Attorney General agreed that it might be a good idea to have Miller or someone else go to New Hampshire to take an independent look at the New Hampshire campaign operation.

The Attorney General is concerned that the Shumway move did not proceed quicker and with more careful checking by Miller. Miller assured him that all parties were now in agreement and that he will work directly with Fred Malek.

Without any hard evidence, Miller believes that the Attorney General is pleased with Magruder's performance.

Harry Dent -- The Attorney General is being urged to talk to Governor Holton about a Byrd Coalition candidate for Senator Spong's seat so that Virginia will be an easy victory for the President.

Ehrlichman received a political briefing from Dent on North Carolina in connection with his trip to Duke University. The memorandum emphasizes the impending party primary fight between Jim Holshouser and Jim Gardner for the governorship and the problems getting Jim Broyhill to run for Senator Jordan's Senate seat. However, "the President seems to be in good shape in North Carolina".

After you questioned whether Wallace would forfeit delegates or electors if he runs in the Democratic primary in Florida and then as an independent in another state, Dent double checked. The Florida Democratic Executive Committee passed and then rescinded a provision that would have denied Wallace his delegates. The Secretary of State did not follow the Democratic party's example and rule that he would also lose his electors.

Dent talks with Kevin Phillips periodically. Last week the Attorney General "hit Phillips hard" on some of his recently published remarks. Dent has the highest regard for Phillips' "political brain" and says that although Phillips hates Colson, Ehrlichman, Flemming and Kleindienst, he is only beginning to turn sour on the Administration. Dent, at the Attorney General's direction, will continue to stay in touch with Phillips, but Dent believes you should see Phillips briefly to convince him that the President still looks to Kevin Phillips for political advice.

-3-

MM

Arrange Haldeman meeting with Phillips

G → Dent
12/13

Receive Phillips political advice through the Attorney General and Dent

001096

Other

Dent attended the Republican Governors Conference on Novmeber 20-21 in Indiana and reports that "their public statements and actions were very good". The Governors want to be more political and help the President. They also feel that more information should be made available to the Vice President.

Martha Mitchell was a "smash hit" at a GOP fund raising appearance in South Carolina, November 19.

Dent is urging the Attorney General to contact the Vice President to have him reconsider his change of plans cancelling his appearance before the Southern GOP Conference on December the 4th.

Wallace Henley is tracking George Wallace and reports that he has resigned himself to running as an independent in Alabama because of his problems with the Legislature. The new AIP platform is like a reprint of the Burchers Blue Book. The AIP National Convention will be held in Toledo. The date has not been set.

Murray Chotiner -- Because of Governor Peterson's unpopularity in New Hampshire, Chotiner advised you and the Attorney General that he believes Peterson would "make an excellent appointee somewhere in the Administration".

Cliff White is still meeting with Conservatives and blaming the President for the U.N. result.

John Dean -- The Attorney General discussed with John Dean the need to develop a political intelligence capability. Sandwedge has been scrapped. Instead, Gordon Liddy, who has been working with Bud Krogh, will become general counsel to the Committee for the Re-Election of the President, effective December 6, 1971. He will handle political intelligence as well as legal matters. Liddy will also work with Dean on the "political enemies" project.

Jack Caulfield will go over to the Committee when the Attorney General moves. Caulfield will handle the same projects he currently does. In addition he will assume responsibility for the personal protection of the Attorney General. WJH

Campaign Related Action Memo -- A Sigma Delta Chi Convention identified the Campaign's principle issues as the economy (107 of 122 votes), international affairs (9), and law and order (3). While reading the news summary report of this the President "strongly stated that the Democrats must not be allowed to get away with this . . . international affairs is our issue and the economy is theirs -- regardless of what happens to it because the liberals can always promise more". You, Ehrlichman, and Colson received the memorandum. 001097

You, Ehrlichman, and Colson were also advised that "our political types working the precinct in the ghettos and Navaho Reservations for Republican converts would do well to focus their attention upon the Holy Name Society, the Women's Sodality, and the Polish-American Union".

Magruder's Projects -- The weekly report submitted to the Attorney General on December 1 is briefer and better than previous reports. It is attached at Tab A for your review instead of being summarized because you had asked about the youth registration drives, which are covered in some detail.

Magruder reports that the Attorney General met with Lyn Nofziger on December 1. On November 4 you and the Attorney General talked about the importance of getting a Nofziger interpretation of the Dole-Evans split. Unfortunately, Magruder believes this subject was not covered because the meeting focused on the California situation.

Magruder will meet with Tom Evans of the RNC on December 2 and 3 to get his views of the role of the RNC in the Campaign. Magruder and Flemming meet with the Attorney General on December 4 to decide on the role and budget of the RNC vis a vis the Committee. On December 6 the Attorney General, Magruder and Flemming will tell Tom Evans of their decisions. Tom Evans will explain the decisions to the RNC at the meeting in Washington on December 9-12. Besides the Budget, Magruder considers the voter registration and get out the vote functions as the only important areas that have not been resolved.

-5-

WH

Magruder and some of his top people have moved into new offices adjoining Mudge Rose Guthrie and Alexander at 1701 because everyone is still under the impression that the Attorney General will become a partner in the law firm when he leaves Justice. You may already have discussed this matter of joining the firm with the Attorney General pursuant to the Len Garment memorandum.

Magruder now receives a copy of the news summary. He says he needs another copy for Harry Flemming and Ken Rietz.

____ Approve additional copy of news summary

~~____~~ Cancel Magruder's news summary

____ Other

001098

Magruder submitted memoranda to the Attorney General on transient voters, women in the Campaign, the Middle American, and the functions of a Citizens organization. The Attorney General has not yet reviewed them. The one on the Middle American received substantial input from Colson but is very long. You will receive it for reading on one of the trips this month.

G → JSM
allen
12/13

Mr. STRACHAN. No; not all matters would be communicated for action. He had very little interest, for example, in what the field organization would be doing. I would advise him on an FYI basis of who had been selected to head the campaigns in the various States but he showed very little interest in that.

Mr. DASH. When you made your reports to Mr. Haldeman, especially those reports that came from the committee, could you briefly tell us, but in some detail, what kind of reports you made? How did you report to Mr. Haldeman?

Mr. STRACHAN. Well, as I mentioned in my opening statement I prepared periodically, usually once a week or once every 2 weeks memorandums entitled "Political Matters Memos."

These memorandums would summarize the information that I had accumulated from the politically active people on the White House staff, Mr. Colson, Mr. Dent, information I had accumulated from 1701, from the various State organizations, he had quite an interest.

Mr. DASH. When you say 1701 what are you referring to?

Mr. STRACHAN. That is the Committee To Re-Elect the President. He had quite an interest in California so I would talk with the California people, and then I would write a memorandum, usually quite long, 8, 9, 10 pages, with several attachments as backup. The main purpose of attaching the tabs would be that I would refer in the paragraphs to information that I thought he should read in the original form, and would attach it as a tab.

Mr. DASH. Were some of your communications in an oral form rather than in a memorandum form?

Mr. STRACHAN. He prefers to communicate in writing. Of course, I would have oral communications with him but the great bulk of information that he received from me regarding the campaign would be in writing.

Mr. DASH. All right, now, when he received from you a political matter memorandum with the various items indicated, and the tabs, how would he respond to you concerning those items that were brought to his attention by you?

Mr. STRACHAN. Well, he would always read with a pen and he would write his comments beside them or check the item as he read each particular paragraph. Occasionally he would write his views on the political matters memo the paragraph that dealt with the particular subject.

Mr. DASH. In instances, I take it, you would be given, or at least get indications from him, as to what he wanted you to do to follow up on various matters?

Mr. STRACHAN. Well, usually, his comments on the side would be cryptic and humorous. If he had a disagreement as to the way things were being done at the committee, he would send a memorandum to John Mitchell or on occasion to Jeb Magruder, or make a note to me that I should contact a particular individual about something.

Mr. DASH. Now, when, on the basis of any particular information that you presented Mr. Haldeman in the form of, say, a political matters memorandum, he wanted to have a meeting with somebody, would you prepare any particular paper with regard to that meeting?

Mr. STRACHAN. Yes. I would prepare what would be characterized as a talking paper. They were fairly structured, formalized in Mr.

Haldeman's office. Prior to a meeting, for example, with John Mitchell, I would prepare a talking paper of subjects I thought he should cover with him.

Mr. DASH. By the way, when Mr. Haldeman would put a check, I think you mentioned, by an item, what would that mean to you?

Mr. STRACHAN. That would indicate that he had read it.

Mr. DASH. Now, do you recall whether Mr. Magruder, who frequently, I take it, did give you information concerning the Committee for the Re-Election of the President, gave you any information concerning an intelligence plan prior to March 30, 1972?

Mr. STRACHAN. Prior to March 30, 1972?

Mr. DASH. Yes.

Mr. STRACHAN. No; he did not.

Mr. DASH. Now, have you read or heard Mr. Magruder's testimony?

Mr. STRACHAN. Yes; I have.

Mr. DASH. We have the testimony here, but I think I can expedite matters by briefly referring to it. Mr. Magruder did testify that certainly after the February 4, 1972, meeting, he communicated to you about the meeting, about the contents of the meeting, and in fact, sent you copies of the notes or memorandums of the so-called Liddy plan that had been presented to Mr. Mitchell in Mr. Mitchell's office where Mr. Dean, Mr. Magruder, Mr. Liddy met with Mr. Mitchell. Are you familiar with Mr. Magruder's testimony in that regard?

Mr. STRACHAN. Yes; I am.

Mr. DASH. Did Mr. Magruder do that?

Mr. STRACHAN. No; he did not. Mr. Magruder—and I have read his testimony carefully—relies on the fact that automatically, materials would have come over to me. The Federal Bureau of Investigation has established that that is not true. Materials do not automatically come over to me. And in this particular case—

Mr. DASH. How did the Federal Bureau of Investigation establish that that is not true?

Mr. STRACHAN. They interviewed several of his secretaries and people in his office and they indicated that matters were not always sent to Mr. Strachan or to the White House, that they would be held back at the express direction of Mr. Magruder.

Mr. DASH. Would it be true that important matters, matters of significance, would be sent over to you? Would you not agree that a plan such as the so-called Liddy plan to engage in electronic surveillance for political intelligence was a significant matter?

Mr. STRACHAN. Obviously, that is a significant matter, but I think Mr. Magruder probably relied upon the fact that John Dean was present at the meeting to report to the appropriate people at the White House.

Mr. DASH. Could you tell us at this point about that separate relationship? What was Mr. Dean's relationship with Mr. Haldeman as apart from your relationship?

Mr. STRACHAN. Well, Mr. Dean had line responsibility as distinguished from mine of staff responsibility. He would have a certain amount of independent authority and would function on projects on his own and report to Mr. Haldeman and Mr. Ehrlichman on matters on which he needed guidance.

Kuozig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified 5 days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

THE SPECIAL INVESTIGATIONS UNIT

On Sunday, June 13, 1971, The New York Times published the first installment of what came to be known as "The Pentagon Papers." Not until a few hours before publication did any responsible Government official know that they had been stolen. Most officials did not know they existed. No senior official of the Government had read them or knew with certainty what they contained.

All the Government knew, at first, was that the papers comprised 47 volumes and some 7,000 pages, which had been taken from the most sensitive files of the Departments of State and Defense and the CIA, covering military and diplomatic moves in a war that was still going on.

Moreover, a majority of the documents published with the first three installments in The Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions.

Therefore during the week following the Pentagon Papers publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman, and Dean.

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam war, on which the Government's records were inadequate (many previous

Mr. DEAN. Again, because of the very sensitive nature of information contained in these documents, and the problems that information might unfairly cause those individuals, I shall not discuss the documents further, other than to point out to the committee that the interest in Mr. Larry O'Brien dates back, from my records, to the time I first joined the White House staff in July 1970, while the interest in Senators Muskie and McGovern developed as the reelection campaign developed.

I would now like to turn to a political intelligence and security plan that was designed for the campaign, but ultimately was rejected.

OPERATION SANDWEDGE

While Caulfield was a member of my staff, the use of Mr. Ulasewicz slowly diminished, in that I had no need for such investigative work, and I only requested Caulfield to obtain investigative information when someone else on the staff requested it. While I did try to find assignments for Caulfield that related to the work of the counsel's office it was difficult in that he was not a lawyer.

Mr. Caulfield was aware of this situation and in the spring of 1971 he came to me and told me that he was thinking of leaving the White House staff and establishing an investigative/security consulting corporation. He felt that there was a need and a market for what he described as a "Republican intertel"—Intertel being a firm being a long established firm that has been in existence working in this field. He told me that he could have a going concern by campaign time and that his firm could provide investigative/security assistance to the campaign.

We casually discussed this on several occasions. The basic and initial concept he had developed was an operation that could be funded by contracts with corporations. Mr. Caulfield's firm would provide services for these corporations, but it would also provide free services to the 1972 reelection campaign. I recall telling Caulfield that I could not help him in the intelligence field because I did not have any expertise in the area but I advised him that he should work with a lawyer in developing the concept he had outlined to me because it was fraught with legal problems. For example, I told him corporations are prohibited under Federal law from making direct campaign contributions.

Shortly after these conversations, Caulfield informed me that he had formed a group to develop a plan to submit to Mr. Ehrlichman, Mr. Haldeman, and Mr. Mitchell. The planning group intended to become the principal officers of the corporation once it commenced its activity. Caulfield and the group spent several months developing their plans and in early August or September of 1971 Caulfield brought me a copy of a memorandum entitled Operation Sandwedge and told me he was seeking a meeting with Mr. Ehrlichman to discuss the matter and requested that I assist him in getting a meeting with Mr. Mitchell. I do not know if Mr. Caulfield met with Mr. Ehrlichman. If he did, I was not present and have no knowledge of the meeting.

I read the memorandum and found it to be a privately operated extension of the types of things that Caulfield had been performing for Ehrlichman. I returned the memorandum to Caulfield and told him I would raise it with Mitchell. To the best of my recollection Opera-

tion Sandwedge envisioned the creation of a corporation called Security Consulting Group, Inc., which was to have offices in Washington, Chicago, and New York. It was to have an "overt" and "covert" capacity. The covert capacity would have operated out of New York—presumably under the aegis of Mr. Ulasewicz—and was to be separate and apart from the other operations in Washington and Chicago. The principal activity of the Security Consulting Group, Inc., was to provide private security for all phases of the campaign, but the New York "covert" operation would have the capacity to provide "bag men" to carry money and engage in electronic surveillance—if called upon to do so.

Although I returned the copy of the Operation Sandwedge memorandum given me by Caulfield, I did find in my records a copy of the proposed budget, which reflects some of the items I have just mentioned. I also found a number of memorandums relating to the campaign security aspects of the plan. I have submitted these documents to the committee.

[The documents referred to were marked exhibit No. 34-9.*]

Mr. DEAN. I did discuss Operation Sandwedge with Mr. Mitchell. I recall that he was not interested at all. He told me that he thought Jack Caulfield was a fine person, but he felt the principal problems would relate to security and the problems that demonstrators might pose to the campaign. Mitchell said he wanted a lawyer to handle any such operation and asked me to think about candidates. I told him that Jack Caulfield had requested an opportunity to discuss his plan with him, and I told him that I told Jack I would convey the message. Mitchell did not wish to discuss the proposal, so I kept putting Caulfield off when he raised it with me because I liked Jack and did not want to hurt his feelings, so I continued to keep putting him off.

I also recall that Ehrlichman raised Operation Sandwedge with me. I do not know if this was a result of his meeting with Caulfield or Caulfield sending him a copy of the memorandum. Ehrlichman told me that he would like to keep Tony Ulasewicz around during the campaign, but he did not think much of Caulfield's proposed grand plan. Ehrlichman told me that Mitchell knew about Tony Ulasewicz and that Mitchell and Jack should talk about Tony's future.

Meanwhile, Caulfield kept requesting an answer on his plans. He had his heart set on his proposal; he had spent long hours preparing it and I knew he was going to be very disappointed to learn that it had been shot down. Every few weeks Caulfield would send an item to me to prompt me to take some action. I have submitted to the committee the type of items he would send.

[The document referred to was marked exhibit No. 34-10.**]

Mr. DEAN. I would just file them and do nothing, as I had decided that the best course of action to save Jack's feelings was to let the matter die a natural death through no action. Indeed, that happened.

By November 1971, Caulfield realized that his plan was dead and he abandoned the idea. Realizing this, he told me he would like to work for Mr. Mitchell during the campaign as an aide-de-camp, and requested that I assist him in getting an appointment with Mitchell. I arranged for him to meet with Mr. Mitchell on November 24, 1971.

*See p. 1121.

**See p. 1133.

at which Mr. Mitchell told me that while my work was highly thought of, there had been a decision made to "semimilitarize" the U.S. Marshal's Office and therefore they were considering a retiring, high, military official for this post. Between December 1968 and April of 1969, I was interviewed for and pursued a variety of possible appointive jobs in Washington.

In late March 1969, I received a telephone call from Mr. Ehrlichman who asked me if I would visit him in his office a day or two later. I did so and at that meeting he asked if I would be willing to set up a private security entity in Washington, D.C., for purposes of providing investigative support for the White House. I told him that I would think this over but by the time I had returned home that evening, I had decided that I did not wish to do this. I called him the next day with a counterproposal, namely, that I join the White House staff under Mr. Ehrlichman and, besides providing liaison functions with various law enforcement agencies, thereby be available to process any investigative requests from the White House. I mentioned to him that if he agreed with my proposal I would intend to use the services of one Mr. Anthony Ulasewicz who was a detective with the New York City Police Department nearing retirement. He said he would think about it and get back to me.

A few days later I received a call from his office asking if I would come to Washington to discuss the matter and that meeting resulted in my appointment to the White House staff on April 8, 1969.

My duties at that time consisted of being a White House liaison with a variety of law enforcement agencies in the Federal Government, through arrangements worked out with Mr. Ehrlichman, Mr. Herbert Kalmbach, and Anthony Ulasewicz. Mr. Ulasewicz retired from the New York City Police Department and was paid on a monthly basis by the Kalmbach law firm, that employment commencing on July 9, 1969. During the next 3 years, first on orders from Mr. Ehrlichman and later in some instances, on orders from Mr. John Dean, Mr. Ulasewicz, under my supervision, performed a variety of investigative functions, reporting the results of his findings to the White House through me. I do not fully recall all of the investigations performed in this fashion but have available a list of those which I do recall if the committee wishes to examine it.

In July of 1970 Mr. John Dean became counsel to the President and Mr. Ehrlichman was named to the position of Presidential Assistant for Domestic Affairs. Thereafter I worked directly for Mr. Dean, but on occasion, Mr. Ehrlichman continued to call upon me directly for investigative work involving the services of Mr. Ulasewicz.

In the spring of 1971, I began to notice that, for some reason, the amount of investigation work handled by Mr. Ulasewicz through me had diminished. Much of the talk around the White House was beginning to center more and more on the 1972 Presidential election and I began to examine ways in my mind in which I might become involved. Since I had performed security duties in the 1968 election campaign, and realizing some of the security demands of a Presidential campaign, I wished to become involved in the security area of the campaign.

Toward that end, I composed a memorandum suggesting that an outside security capability be formed to handle the demand of the

1972 campaign. Such an organization would have a capability to perform various security functions to insure the security of the traveling staff, the Committee To Re-Elect the President headquarters, the convention site and would employ various guards and security people. In short, I was suggesting the formation of a capability to cover all the security needs of a Presidential campaign. The name I gave to this suggested operation was "Sandwedge."

I further suggested that I leave the White House staff and set up this security entity, if it were approved, and suggested a budget of approximately \$300,000 to \$400,000. I gave the memorandum to Mr. Dean and got the strong impression from him that it went to higher levels, but I have no knowledge of who saw it. During the summer of 1971, I had high hopes that my proposal would be accepted and had one other direct conversation at lunch about its contents with Mr. Dean and with Mr. Jeb Magruder. Between the end of June and October of 1971, I inquired of Mr. Dean as to the status of my proposal on numerous occasions but ultimately was told by Mr. Dean that he didn't think my suggestion was "going anywhere."

I was disappointed that my memorandum had been refused. I next spoke with Mr. Dean concerning obtaining a position as a personal aide to John Mitchell, when he became campaign director. Mr. Dean agreed to ask Mr. Mitchell if such a position was available; he did so, and on November 24, 1971, he accompanied me to an interview at Mr. Mitchell's office.

I explained to Mr. Mitchell that what I wanted was a position similar to that occupied by Dwight Chapin in relation to the President and that in addition to handling the kinds of activities that Chapin handled for the President, I could be of value to Mr. Mitchell as a bodyguard. Mr. Mitchell listened to what I had to say but was non-committal as to what status I would occupy with him. He said, however, that we would "get that all straightened out when I arrived at the reelection committee." He was unsure as to when he would join the reelection committee but thought that it would be sometime in January or February of 1972. I left his office and walked back to the White House by myself. Mr. Dean remained and as I was walking through Mr. Mitchell's outer office I noted Mr. Gordon Liddy sitting with Mr. Dean evidently waiting to see Mr. Mitchell.

At that time, I was sure I had a position with Mr. Mitchell but the nature of my duties was quite unsettled. Ultimately, on the 1st of March 1972, I went to the reelection committee to commence my duties there. It soon became clear to me that Mr. Mitchell regarded me only as a bodyguard which was not what I had had in mind at all. During March I took two trips with Mr. Mitchell outside of Washington, one brief trip to New York City and the other to Key Biscayne, Fla. Since Mr. Mitchell regarded me as his personal bodyguard I carried a revolver in my briefcase.

By the time the trip to Florida occurred in late March, I was already in touch with a friend of mine at the Treasury Department about possible employment there. After being in Florida for approximately 2 to 3 days, I received word that my house in Fairfax, Va., had been burglarized and so I flew home to attend to my wife and family. Mr. Fred LaRue had joined us in Florida after our arrival and upon my departure, he asked that I leave my revolver in his possession since

2. In response to a Political Matters Memorandum from Strachan dated December 6, 1971, Haldeman approved Gordon Liddy's transfer to the Committee for the Re-Election of the President (CRP) at an increase of \$4,000 per annum above his White House salary, as an exception to the rule that no White House employee would receive a salary at CRP higher than that which he was receiving at the White House.

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THE WHITE HOUSE
WASHINGTON

Administratively Confidential

December 5, 1971

MEMORANDUM FOR:

H.R. HALDEMAN

FROM:

GORDON STRACHAN G/x H

SUBJECT:

Political Matters

Jeb Magruder met with the Attorney General for four hours on December 4. Some of the matters covered require decisions by you:

1) Julie Nixon Eisenhower - "Registration '72"

Jeb Magruder has recommended to the Attorney General that Julie Nixon Eisenhower become the Honorary Chairman for "Registration '72", which is a joint registration effort by the Committee (Ken Rietz) and the RNC (Ed DeBolt) in the largest counties of California, Florida, and Texas. This position would require Julie to "make appearances, write letters, and otherwise get publicity" for these registration drives. In terms of a particular scheduling requirement, she would have to appear at the RNC meeting this week for the announcement. Dave Parker reports that she will be in Virginia and so is available. The Attorney General defers entirely to you on whether she should become Honorary Chairman. The Attorney General feels that you should consider if this appointment of Julie Nixon Eisenhower as Honorary Chairman of Registration '72 is "too gimmicky". (The original memorandum to the Attorney General is attached at Tab A.)

Yes, Julie Nixon Eisenhower is to be named
Honorary Chairman of Registration '72

H No, Julie is not to be Honorary Chairman

Other

2) RNC Budget - White House Support

The RNC is currently preparing their budget for 1972. The Attorney General will receive a report from Tom

-2-

Evans today on the general financial condition of the RNC. A copy of the report will be forwarded for you. In 1971 the White House subsidiary account was \$500,000. This paid for advancements, White House special events and receptions, the Colson/Klein printing and distribution of materials, and the Vice President's expenses. Tom Evans of the RNC wants to continue to have a White House account of 500 to pay for these support activities. The Attorney General estimates that there will be an additional 1,000 in "political expenses" for the White House in 1972. The Attorney General believes that their should be a single White House political account of 1,500 for 1972. According to Magruder the Attorney General believes this account should be controlled at the Committee instead of the RNC to assure a unified accounting mechanism and to protect against any "McCloskey type" criticism of the RNC for giving financial assistance to the political activities of the President.

Since Tom Evans and the RNC must be told before the RNFC meeting this week, the Attorney General asks that you consider this general approach without the specific budget information from the RNC.

Recommendation:

That you approve of the transfer of all "political expenses" for the White House to the Committee for the Re-Election of the President.

☒ Approve Disapprove

Comment

If you approve I will inform the Attorney General through Magruder. Upon receipt of the detailed RNC budget information Bruce Kehrli (as the new Staff Secretary) and I will develop recommended procedures with Hugh Sloan and Jeb Magruder.

3) The Nixon Re-Elector

Jeb Magruder, Lyn Nofziger and Frank Leonard prepared the materials at Tab B regarding a "campaign publication to get the message out to the organization". The format would be similar to that of 1968. The Attorney General basically thinks it would be a good idea but asks whether you believe it is a generally good or bad idea. If you

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-3-

give your general approval, Magruder will have Peter Dailey prepare a detailed proposal for review by you and the Attorney General. Frank Leonard would have primary responsibility for the publication that may be called the Nixon Re-Elector.

Recommendation:

That you approve the general idea of a tabloid publication for the Campaign similar to the Nixon Re-Elector, subject to review of the Peter Dailey detailed proposal.

X Approve

Disapprove

Comment

4) Committee Press Relations

The question of whether and at what salary Van Shumway is to move to the Committee for the Re-Election of the President raises several related matters. According to Magruder, the Attorney General assumes that the President will announce his candidacy for re-election on January 6. Although Magruder is not privy to the decision he believes that there will be just a low-key Presidential statement. The candidacy will not be announced at a press conference or during a "conversation with the President" as had been suggested. It may be that the Attorney General has reviewed these matters with the President.

The Attorney General expects that after the announcement, Ziegler will not answer "political questions" but rather will refer them to the Committee. This means that on January 6 the Committee must have a sophisticated individual to handle the questions. If Shumway cannot definitely be transferred to the Committee by January 6 or some other date certain, the Attorney General believes the Committee must hire someone else. The Attorney General respects the fact that Shumway must be replaced but also appreciates Malek's assessment of the chances of finding a replacement: 50/50 for Shumway replacement by January 3; 75/25 by January 15; but 25% chance that it will be impossible to obtain a Shumway replacement that is acceptable to Colson and Klein. The Attorney General wants the press man at the Committee to be compatible with Colson. The Attorney General rejected Jim Holland, the very capable PIO at the Post Office because Colson objected.

0001

he is not very capable - his a
3-11-

One alternative would be to have Cliff Miller become the press man on January 3. He currently has no operational responsibilities but serves as a "consultant" to the Attorney General on public relations, press, polling and research, and advertising. The Attorney General has given some thought to making Cliff Miller the top PR man for the Campaign. He could serve as the Herb Klein of the 1968 Campaign for 1972. The possibility of Miller performing this function is increasing because Colson told Magruder not to consider Neal Freeman because Colson may be hiring him.

Magruder wants a "reading" from you about Cliff Miller as the top PR man so that he can advise the Attorney General. After three years of observation Higby believes Cliff Miller is not that good. The one project I have worked with Miller on -- the Shumway transfer -- leads me to the same conclusion.

Agree, Miller not strong enough to handle top PR spot in Campaign

Disagree, Miller strong and should be considered by the Attorney General

Other

Who do you have instead?

In the meantime, Ann Dore, a New York PR person recruited by Magruder and Miller, will begin handling some press relations at the Committee, work with the 10 Nixon State Chairmen to prevent another New Hampshire press announcement disaster, and eventually work with the surrogate candidates on radio and TV coverage. She begins December 13.

The net result of this sketch of the Committee's press/PR situation is that you must decide whether Malek should be instructed to have a replacement for Shumway locked with Colson and Klein by a date, hopefully January 3.

Yes, Malek must find a Shumway replacement by a date certain

No, Malek should assist Magruder in finding someone else to handle press relations at the Committee

Other

000178

5) General Counsel to the Committee

-5-

Handwritten: Liddy 12/8
 12/8

Gordon Liddy will become General Counsel to the Committee for the Re-Election of the President on December 14. He has been working with Bud Krogh on the declassification project. Liddy is paid \$26,000 by the Domestic Council. Bud Krogh had been urging Ken Cole to raise his salary, but nothing happened during the freeze. Krogh talked with the Attorney General and recommended that Liddy receive an increase. Dean agrees that Liddy should receive an increase to \$30,000 because of his age (41), experience, and prior sacrifice. The Attorney General said the Committee will hire Liddy, and he won't be paid any less than he is receiving from the Domestic Council. Magruder has put a hold on Liddy's transfer to the Committee at \$30,000 because of the rule that no one goes to the Committee a salary higher than he is receiving at the White House. Dean and Krogh are familiar with this rule, but strongly urge an exception in this case.

Handwritten: Grant
 12/8

Grant exception, Liddy to receive 30,000 per annum at Committee

Handwritten: Deny
 12/8

Deny exception, Liddy accept job at 26,000 or find someone else

Other

The subject of salaries at the Committee appears in the talking paper for you to cover with the Attorney General. An updated version of this talking paper of subjects pending will be submitted separately. *Handwritten:* when? 12/8

Other matters which Magruder discussed with the Attorney General which do not require decisions by you include:

1) Advertising Advisory Group

Handwritten: ✓

The Advertising Advisory Group (list attached at Tab C) will hold its first meeting December 9. The group will meet periodically to advise Peter Dailey.

2) Direct Mail Fund Raising

Handwritten: ✓

The Richard A. Viguerie Company will probably handle direct mail fund raising for the Committee. In addition, the Attorney General has authorized the Viguerie Company to conduct direct mail fund raising for former Senator McCarthy on the condition that he run "in another party", not as a Democrat.

000173

3) Americans for Agnew Group

The Attorney General decided against doing anything to encourage or discourage the Americans for Agnew group that recently sent out a 50,000 mailing over John Wayne's signature.

4) The Middle Level Campaign Strategy Group

The middle level Campaign Strategy Group met on November 29 and December 1. The minutes are attached at Tab D. The minutes cover New Hampshire Campaign details, Campaign publications, and suggestions for the Florida primary.

JS - decided that C will let you
out this one. If you C now
you enter in the car tonight.
L.

000180

3. On January 27, 1972 Attorney General John Mitchell, John Dean, Jeb Magruder, acting CRP campaign director, and G. Gordon Liddy, who had assumed his position as CRP counsel, met in Mitchell's office. At this meeting Liddy proposed a \$1 million political intelligence operation, which contemplated the use of electronic surveillance of political opponents, abduction of radical leaders, muggings, and the use of call girls. Mitchell rejected the proposal.

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House Judiciary Committee staff

Mr. Mitchell -- Thursday, January 27, 1972

7:20 Arrived in NBC Studio, 4001 Nebraska Avenue,
Today Show

7:30 Introduction

7:38 Interview begins

7:50 Interview ends

7:55 Left for Department of Justice

8:25 Arrived in office

9:00 SAW Ambassador Graham A. Martin, Amb.
to Italy

9:30 SAW Russ Ergood

10:00 SAW Pat Gray

10:10 SAW Harry Flemming

10:25 Dr. Kissinger called & t.

11:10 SAW Charles Turgeon

11:15 SAW John Dean, Gordon Liddy and Jeb
Magruder

12:20 Ret. Bob Mardian's call & t.

1:15 Ret. Fred Malek's call & t.

1:20 Ret. Bill Cramer's call & t.

1:25 SAW Harold Clancy and Bob Collier

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tioned particularly Mr. Dean. He did mention other individuals but I cannot recall their names, and indicated he had been told he would have approximately \$1 million budget. I indicated to him at that time that \$1 million budget was a sizable budget and that he should prepare the background documents necessary to justify this budget and that he would then have an opportunity to present the budget to the Attorney General.

Mr. DASH. Now, did there come a time when Mr. Liddy did present his plan to the Attorney General, Mr. Mitchell?

Mr. MAGRUDER. Yes. In February I set up an appointment with Mr. Mitchell and John Dean on February 27 at 4 in the afternoon.

Mr. DASH. On February—

Mr. MAGRUDER. The first meeting was February 27.

Mr. DASH. May I refresh your recollection, Mr. Magruder, do you mean February 27 or January 27?

Mr. MAGRUDER. I am sorry, January 27, 1971. And we had a meeting in Mr. Mitchell's office at 4 in the afternoon as I recall it.

Mr. DASH. Who attended that meeting in Mr. Mitchell's office on January 27?

Mr. MAGRUDER. Mr. Mitchell, Mr. Dean, Mr. Liddy, and myself.

Mr. DASH. Prior to the meeting on January 27, did you know any of the details of the plan that Mr. Liddy was going to present on that day?

Mr. MAGRUDER. No, I did not.

Mr. DASH. Could you describe in detail what occurred on January 27 in Mr. Mitchell's office?

Mr. MAGRUDER. Mr. Liddy brought with him a series of charts, they were professionally done charts, and had color. some color, on each of the charts. As I recall there were approximately six charts. Each chart contained a subject matter and was headed by a code word. I cannot recall many of the code words, the one I do recall is Gemstone. I think one was called Target but I cannot specifically recall the other code words. Each chart had a listing of certain types of activities with a budget and, as I recall, there was one chart that totaled up the activities and the budget totaled to the \$1 million figure that he had mentioned previously.

Mr. DASH. Mr. Liddy was presenting this in the form of a show and tell operation?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. What were the size of these charts?

Mr. MAGRUDER. As I recall, they were approximately probably the size of the chart that is on the display stand.

Mr. DASH. Were they on an easel or display stand in the Attorney General's office?

Mr. MAGRUDER. Yes.

Mr. DASH. Do you have any idea where these charts were prepared or who prepared them?

Mr. MAGRUDER. No, I do not.

Mr. DASH. You say the charts dealt with various projects and they had code names on them. Could you give us to your best recollection what some of these projects were?

Mr. MAGRUDER. This was, of course, the projects, including wire-tapping, electronic surveillance, and photography. There were projects

relating to the abduction of individuals, particularly members of radical groups that we were concerned about on the convention at San Diego. Mr. Liddy had a plan where the leaders would be abducted and detained in a place like Mexico and that they would then be returned to this country at the end of the convention.

He had another plan which would have used women as agents to work with members of the Democratic National Committee at their convention and here in Washington, and hopefully, through their efforts, they would obtain information from them.

Mr. DASH. With regard to these women—

Senator ERVIN. I am going to ask the audience to please refrain from laughter or any kind of demonstration.

Mr. DASH. With regard to the use of these women as agents, did this involve the use of a yacht at Miami?

Mr. MAGRUDER. He envisioned renting a yacht in Miami and having it set up for sound and photographs.

Mr. DASH. And what would the women be doing at that time?

Mr. MAGRUDER. I really could only estimate, but—

Mr. DASH. Based on his project, from your recollection. What did he indicate?

Mr. MAGRUDER. Well, they would have been, I think you could consider them call girls.

Mr. DASH. Do you recall any project dealing with a mugging project involving demonstrators?

Mr. MAGRUDER. I do not specifically recall that.

Mr. DASH. Now, what was the total budget that he presented at this meeting?

Mr. MAGRUDER. Approximately \$1 million.

Mr. DASH. How long did Mr. Liddy's presentation take?

Mr. MAGRUDER. Approximately 30 minutes.

Mr. DASH. Mr. Magruder, what was Mr. Mitchell's reaction, Mr. Dean's reaction, and your own reaction when you heard this presentation?

Mr. MAGRUDER. I think all three of us were appalled. The scope and size of the project was something that at least in my mind was not envisioned. I do not think it was in Mr. Mitchell's mind or Mr. Dean's, although I can't comment on their state of mind at that time.

Mr. Mitchell, in an understated way, which was his method of dealing with difficult problems like this, indicated that this was not an acceptable project.

Mr. DASH. And did Mr. Mitchell give Mr. Liddy any instructions at the end of this meeting?

Mr. MAGRUDER. He indicated that he would go back to the drawing boards and come up with a more realistic plan.

Mr. DASH. So it would be true that Liddy, at least, left that meeting without being discouraged from continuing to plan an intelligence operation.

Mr. MAGRUDER. I would say he was discouraged, but he was given the right to come up with a more reasonable plan.

Mr. DASH. Did you have any discussion with Mr. Liddy after the meeting?

Mr. MAGRUDER. Yes, he left with John Dean and I on our way back to the committee and indicated his being disturbed because he had

1843

Mr. MITCHELL. Authorize their transmission and inspection by whom, sir?

Senator MONTOYA. The transmission of FBI reports to the CRP or the inspection of FBI reports at the Department of Justice.

Mr. MITCHELL. No, sir.

Senator MONTOYA. Do you know of anyone who did?

Mr. MITCHELL. No, sir; I do not.

Senator MONTOYA. Do you know whether or not these reports were received at the Committee To Re-Elect the President?

Mr. MITCHELL. I have no knowledge of any such procedure.

Senator MONTOYA. This has been testified to that effect heretofore.

Mr. MITCHELL. Senator, are we to make perfectly clear we are talking about FBI reports?

Senator MONTOYA. Yes.

Mr. MITCHELL. Well, then, my answers that I have given you stand. I was not aware that anybody testified that FBI reports were being received by the Committee To Re-Elect the President.

Senator MONTOYA. Now, let us go back to the meetings that you had at the Department of Justice with respect to the Liddy plan on January 27. To put the matter in proper focus, it is my understanding that you met Mr. Liddy on or about November 1971 when Mr. Dean brought him to you and introduced him to you, is that correct?

Mr. MITCHELL. Yes, sir; November 24.

Senator MONTOYA. Then, subsequent to this, and to wit, on January 27, you, Mr. Liddy, Mr. Magruder, and Mr. Dean met in your Department of Justice office, where the original Liddy intelligence operation unfolded in charts?

Mr. MITCHELL. That is correct, sir.

Senator MONTOYA. Now, how long did you spend at this meeting?

Mr. MITCHELL. The meeting, according to the recollection that I have, which comes mainly from my log, was 1 hour or less and there were other—there was another subject matter discussed, which, of course, was the upcoming election law.

Senator MONTOYA. Now, what was specifically discussed? Will you please relate the dialog that occurred there in the discussion of the Liddy intelligence-gathering plan?

Mr. MITCHELL. Well, Senator, I could not possibly relate a dialog that took place that long ago. But I can tell you that the format of it was that Mr. Liddy unfolded his program and everybody just sat with their mouths open while he discussed it and then it was terminated and that was the basis of it. There was not any dialog with respect to the discussion of it other than to shut it off and tell him to go burn it.

Senator MONTOYA. Then, was there any discussion or statement made—was there any discussion there or any statement made to the effect that he should go back and scale the plan down—

Mr. MITCHELL. No.

Senator MONTOYA [continuing]. Because the \$1 million budget that it encompassed was excessive?

Mr. MITCHELL. No; Senator, the discussion, as I recall it, was to the effect that that is not what the individuals that were participating in that meeting—certainly, Mr. Dean and myself—had in mind. What we had in mind was going back to information-gathering and taking care of security against demonstrators rather than the contents of that particular proposal.

a good deal of contact with Liddy, so I requested that he be permitted to keep his pass. This request was turned down, however, because they had decided to provide a fixed number of passes for the people at the reelection committee and Magruder would decide who got the passes. I so informed Liddy and never heard any more about the matter.

LIDDY'S PLAN—MEETINGS IN MITCHELL'S OFFICE

The next time I recall meeting with Mr. Liddy—I might say before this that I did have a brief occasion to see him in early January, I believe about the 9th through the 14th or 15th, when he attended a general conference in San Diego on the entire scope of the convention and the security problems that were going to confront the commission in San Diego.

After that, the next time I recall meeting Mr. Liddy was at a meeting in Mitchell's office on January 27, 1972. Magruder called my office to set up the meeting and only after I called Magruder to ask why he wanted me to attend the meeting did I learn that Liddy was going to present his intelligence plan. I met Magruder and Liddy at Mitchell's office. Liddy had a series of charts or diagrams which he placed on an easel and the presentation by Liddy began.

I did not fully understand everything Mr. Liddy was recommending at the time because some of the concepts were mind-boggling and the charts were in code names, but I shall attempt to reconstruct the high points that I remember as best I can. Liddy was in effect making a sales pitch. He said that the operations he had developed would be totally removed from the campaign and carried out by professionals. Plans called for mugging squads, kidnaping teams, prostitutes to compromise the opposition, and electronic surveillance. He explained that the mugging squad could, for example, rough up demonstrations that were causing problems. The kidnaping teams could remove demonstration leaders and take them below the Mexican border and thereby diminish the ability of the demonstrators to cause problems at the San Diego convention. The prostitutes could be used at the Democratic convention to get information as well as compromise the persons involved. I recall Liddy saying that the girls would be high class and the best in the business. When discussing the electronic surveillance, he said that he had consulted with one of the best authorities in the country and his plan envisioned far more than bugging and tapping phones. He said that, under his plan, communication between ground facilities and aircraft could also be intercepted.

I might also add that he gave an elaborate description of intercepting various microwaves to travel around the country through various communication facilities and I cannot explain to the committee what that was, because to this day, I do not understand it.

Each major aspect of his proposal was on a chart, with one chart showing the interrelationship with the others. Each operation was given a code name. I have no recollection of these code names. With regard to surveillance, and I do not recall that this was necessarily limited to electronic surveillance, he suggested several potential targets. I cannot recall for certain if it was during this meeting or at the second meeting in early February that he suggested the potential targets. The targets that I recall he suggested were Mr. Larry O'Brien, the Democratic headquarters, and the Fontainebleau Hotel during the Demo-

cratic Convention. Mr. Liddy concluded his presentation by saying that the plan would cost approximately \$1 million.

I do not recall Magruder's reaction during the presentation plan because he was seated beside me but I do recall Mitchell's reaction to the "Mission Impossible" plan. He was amazed. At one point I gave him a look of bewilderment and he winked. Knowing Mitchell, I did not think he would throw Liddy out of the office or tell him he was out of his mind, rather he did what I expected. When the presentation was completed, he took a few long puffs on his pipe and told Liddy that the plan he had developed was not quite what he had in mind and the cost was out of the question. He suggested to Liddy he go back and revise his plan, keeping in mind that he was most interested in the demonstration problem.

I remained in Mitchell's office for a brief moment after the meeting ended, as the charts were being taken off the easel and disassembled and Mitchell indicated to me that Mr. Liddy's proposal was out of the question. I joined Magruder and Liddy and as we left the office I told Liddy to destroy the charts. Mr. Liddy said that he would revise the plans and submit a new proposal. At that point I thought the plan was dead, because I doubted if Mitchell would reconsider the matter. I rode back to my office with Liddy and Magruder, but there was no further conversation of the plan.

The next time I became aware of any discussions of such plans occurred, I believe, on February 4, 1972. Magruder had scheduled another meeting in Mr. Mitchell's office on a revised intelligence plan. I arrived at the meeting very late and when I came in, Mr. Liddy was presenting a scaled down version of his earlier plan. I listened for a few minutes and decided I had to interject myself into the discussions. Mr. Mitchell, I felt, was being put on the spot. The only polite way I thought I could end the discussions was to inject that these discussions could not go on in the Office of the Attorney General of the United States and that the meeting should terminate immediately.

At this point the meeting ended. I do not know to this day who kept pushing for these plans. Whether Liddy was pushing or whether Magruder was pushing or whether someone was pushing Magruder, I do not know. I do know, in hindsight, that I should have not been as polite as I was in merely suggesting that Liddy destroy the charts after the first meeting. Rather, I should have said forget the plan completely. After I ended the second meeting, I told Liddy that I would never again discuss this matter with him. I told him that if any such plan were approved, I did not want to know. One thing was certain in my mind, while someone wanted this operation, I did not want any part of it, nor would I have any part of it.

After this second meeting in Mitchell's office, I sought a meeting with Mr. Haldeman to tell him what was occurring, but it took me several days to get to see him. I recall that Higby got me into Haldeman's office when another appointment had been canceled or postponed. I told Haldeman what had been presented by Liddy and told him that I felt it was incredible, unnecessary, and unwise. I told him that no one at the White House should have anything to do with this. I said that the reelection committee will need an ability to deal with demonstrations, it did not need bugging, mugging, prostitutes, and kidnapers. Haldeman agreed and told me I should have no further dealings on the matter.

4. On February 4, 1972 Attorney General Mitchell, John Dean, Jeb Magruder and Gordon Liddy met in Mitchell's office. Liddy presented a modified version of his proposal with a budget of \$500,000. The proposal included plans for electronic surveillance of political opponents. Magruder and Dean have testified that the targets included the office of Lawrence O'Brien, the Chairman of the Democratic National Committee (DNC); the DNC headquarters; and the Democratic Convention headquarters at the Fontainebleau Hotel in Miami, Florida. Magruder has also testified that the office of Henry Greenspun, editor of the Las Vegas Sun, was mentioned as another target. Mitchell has denied that there was discussion of specific targets. The meeting ended when Dean stated that these subjects should not be discussed in the office of the Attorney General of the United States. Following the meeting, Dean reported on the meeting to Haldeman.

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4.1 JOHN MITCHELL LOG, FEBRUARY 4, 1972

Indistinct document retyped by
House Judiciary Committee staff

Mr. Mitchell -- Friday, February 4, 1972

2:55 Called Harry Flemming and talked.

3:15 Called Sen. Sears and talked.

3:30 Called Director J. Edgar Hoover, and talked.

4:00 SAW John Dean, Gordon Liddy and Jeb Magruder.

4:30 Harry Dent called and talked.

4:50 Called Sen. Case and talked.

5:15 SAW J. Hushen and DAG.

6:30 Left office.

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DR

assumed that everyone would have accepted this project at face value. We indicated that certain of these things were inappropriate and that he would have to redo them and come back at a later date.

Mr. DASH. Did you make any report of the meeting to anyone after the meeting?

Mr. MAGRUDER. Yes, I made a report to Mr. Strachan at the White House.

Mr. DASH. Now, did you disclose everything concerning that meeting to Mr. Strachan?

Mr. MAGRUDER. I do not recall at that meeting whether Mr. Liddy had had these charts put into 8½ x 11 size to hand out. If he had, I would have sent those over to Mr. Strachan. I do remember discussing it. I do not recall in this meeting whether we had working papers and so I can't recall specifically; I think just on the phone I discussed the general nature of his proposal.

Mr. DASH. Was this telephone conversation with Mr. Strachan in which you reported the general nature of the discussion consistent with your general reporting to Mr. Strachan as you did from time to time, matters that should get to the White House staff?

Mr. MAGRUDER. Yes, everything that I did at the committee, everything that we did was staffed to Mr. Strachan so that he could alert other officials at the White House as to our activities.

Mr. DASH. Was there a second meeting on the Liddy plan, Mr. Magruder?

Mr. MAGRUDER. Yes, the following week in February, February 4, as I recall, we met at 11 in the morning.

Mr. DASH. How did that meeting come about, who attended?

Mr. MAGRUDER. Mr. Liddy indicated that he was ready to discuss a reduced proposal. I alerted Mr. Dean and he set up an appointment with Mr. Mitchell and we reviewed a reduced proposal.

Mr. DASH. Where was this meeting?

Mr. MAGRUDER. At the Justice Department.

Mr. DASH. Was it in Mr. Mitchell's office?

Mr. MAGRUDER. Yes. We met in Mr. Mitchell's office. He did not have charts this time, but rather had—

Mr. DASH. You mean Mr. Liddy did not?

Mr. MAGRUDER. Mr. Liddy did not have charts. He had them reduced on 8½ x 11 pages and the scope was reduced considerably.

Mr. DASH. What was retained and what was out?

Mr. MAGRUDER. I cannot recall specifically what was in or what was out. I do know that the discussion, after his discussion with us, related only to the wiretapping and photography and not to any of the other projects. They had been basically discarded.

Mr. DASH. I think you may have testified to this, but who was present at this second meeting, Mr. Magruder?

Mr. MAGRUDER. Mr. Mitchell, Mr. Dean, Mr. Liddy, and myself. Mr. Dean came in approximately 15 minutes or so late, but was there for most of the meeting.

Mr. DASH. At this time, as you have stated, the project primarily dealt with wiretapping and photographing. Were any targets specifically mentioned, either by Mr. Liddy or anybody at the meeting?

Mr. MAGRUDER. At that meeting, we did discuss potential targets, we discussed the potential target of the Democratic National Committee

headquarters, primarily because of information we had relating to Mr. O'Brien that we felt would be possibly damaging to the Democratic National Committee. We discussed the possibility of using electronic surveillance at the Fontainebleau Hotel, which was going to be the Democratic National Committee headquarters, and we discussed the potential of using the same method at the Presidential headquarters. At that time, we did not know who the candidate would be, so it was simply an indication that that would be a target of interest.

Also at that meeting, Mr. Mitchell brought up that he had information as I recall, and I think it was Mr. Mitchell—it was either Mr. Mitchell or Mr. Dean—that they had information relating to Senator Muskie that was in Mr. Greenspun's office in Las Vegas. He was a publisher of the newspaper in Las Vegas.

Mr. DASH. Do you know his full name?

Mr. MAGRUDER. As I recall, Mr. Henry Greenspun, I think, or spun—Greenspan or Greenspun, I think was his name. He is the publisher of the Las Vegas newspaper.

Mr. Liddy was asked to review the situation in Las Vegas to see if there would be potential for an entry into Mr. Greenspan's—

Mr. DASH. Potential for what?

Mr. MAGRUDER. Potential for an entry into Mr. Greenspun's office.

Mr. DASH. Do you know what it was they were looking for in Mr. Greenspun's office?

Mr. MAGRUDER. No, I do not.

Mr. DASH. Do you know what the information was that Mr. Mitchell mentioned concerning Mr. O'Brien?

Mr. MAGRUDER. Yes. We had had information from reliable sources that at the Democratic National Convention, they had a business exposition. The business exposition was being put on by a separate business exposition company. It was our understanding that the fee the business concern paid to this business company was then kicked back or partially kicked back to the Democratic National Committee to assist them in the payment of their debts.

Mr. DASH. Aside from that kind of information, what was the general information or general kind of information that you would be looking for in these break-ins or electronic surveillance?

Mr. MAGRUDER. Well, I think at that time, we were particularly concerned about the ITT situation. Mr. O'Brien has been a very effective spokesman against our position on the ITT case and I think there was a general concern that if he was allowed to continue as Democratic national chairman, because he was certainly their most professional, at least from our standpoint, their most professional political operator, that he could be very difficult in the coming campaign. So we had hoped that information might discredit him.

Mr. DASH. All right.

How did that meeting end? What was Mr. Mitchell's reaction to this presentation at the second meeting?

Mr. MAGRUDER. It still was disapproval or, let's say, I should say we agreed that it would not be approved at that time, but we would take it up later; that he just didn't feel comfortable with it even at that level.

Mr. DASH. But again, would it be true to say that at least Mr. Liddy was encouraged to continue in his planning?

cratic Convention. Mr. Liddy concluded his presentation by saying that the plan would cost approximately \$1 million.

I do not recall Magruder's reaction during the presentation plan because he was seated beside me but I do recall Mitchell's reaction to the "Mission Impossible" plan. He was amazed. At one point I gave him a look of bewilderment and he winked. Knowing Mitchell, I did not think he would throw Liddy out of the office or tell him he was out of his mind, rather he did what I expected. When the presentation was completed, he took a few long puffs on his pipe and told Liddy that the plan he had developed was not quite what he had in mind and the cost was out of the question. He suggested to Liddy he go back and revise his plan, keeping in mind that he was most interested in the demonstration problem.

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After this second meeting in Mitchell's office, I sought a meeting with Mr. Haldeman to tell him what was occurring, but it took me several days to get to see him. I recall that Higby got me into Haldeman's office when another appointment had been canceled or postponed. I told Haldeman what had been presented by Liddy and told him that I felt it was incredible, unnecessary, and unwise. I told him that no one at the White House should have anything to do with this. I said that the reelection committee will need an ability to deal with demonstrations, it did not need bugging, mugging, prostitutes, and kidnapers. Haldeman agreed and told me I should have no further dealings on the matter.

Mr. DASH. Now, just carrying on from what my previous observation was as to what Mr. Liddy may have come away from the meeting, obviously Mr. Magruder and Mr. Liddy did not get the impression that you completely disapproved of the program because they did set up only 8 days later a meeting in your office on February 4 with the same participants in which they presented a half million dollar program I understand which included electronic surveillance.

Mr. MITCHELL. Well, Mr. Dash, I would disagree with the testimony to which you refer insofar as Mr. Magruder or Mr. Liddy either one of them was invited back under the basis of the same concept with respect to the presentation of a plan, and I think Mr. Dean, if I recall his testimony, agrees a little bit more with what my recollection was and it was to the point of this was not what we were interested in. What we were interested in was the gathering of information and the security and protection against the demonstrations.

Mr. DASH. But nevertheless Mr. Magruder and Mr. Liddy did come back and Mr. Dean attended that meeting with you, on February 4, and did present a scaled down version which included electronic surveillance and break-ins, did it not?

Mr. MITCHELL. It did that but there again there are faulty recollections with what was discussed at that meeting, what the concept of it was. I violently disagree with Mr. Magruder's testimony to the point that the Democratic National Committee was discussed as a target for electronic surveillance for the reasons that he gave, number one with respect to the Democratic back story. We are talking now about the 4th of February.

Mr. DASH. Yes, I know, the reason for centering in on Mr. O'Brien, I believe—

Mr. MITCHELL. That is correct, and, of course, the newspaperman did not have his column that Magruder referred to until the 23d of February. He said we were focusing on the Democrats and Mr. O'Brien because Mr. O'Brien's vocal activities in connection with the ITT case, and Mr. Anderson did not publish his column until the 29th of February, and so that what I am pointing out is that this meeting was a relatively short meeting and it was rejected again because of the fact that it had these factors involved. But these targets were not discussed.

Mr. DASH. Were any targets discussed, Mr. Mitchell?

Mr. MITCHELL. To the best of my recollection, there were none.

Mr. DASH. Do you also disagree with Mr. Magruder's testimony that you actually volunteered a particular target which was Hank Green-
spoon's office in Las Vegas for the purpose of obtaining some documents that might involve a political candidate?

Mr. MITCHELL. Mr. Dash, you gave me a great opportunity to correct the record on this. You know, Mr. Magruder said that it could have been Mitchell or Dean and then when you picked up the questioning you said Mitchell, so we are now correcting that record. To the best of my recollection, there was no such discussion of any—

Mr. DASH. However, your recollection is there was no discussion of it?

Mr. MITCHELL. No discussion whatsoever.

Mr. DASH. Do you recall Mr. Dean's reaction at that meeting?

Mr. MITCHELL. I recall both of our reactions to it. Although it has been given, Mr. Dean's reaction has been given a different connotation and, of course, it depends on who is telling the story and under what circumstances to who looks like the White Knight and who looks like the Black Knight, of course.

The fact of the matter is that Dean, just like myself, was again aghast that we would have this type of presentation. John Dean, as I recall, not only was aghast at the fact that the program had come back again with electronic surveillance, perhaps a necessary entry in connection with it, I am not sure that entries were always discussed with electronic surveillance because they are not necessarily synonymous, but Mr. Dean was quite strong to the point that these things could not be discussed in the Attorney General's office, I have a clear recollection of that and that was one of the bases upon which the meeting was broken up.

Mr. DASH. And broke up on that basis, I believe.

Mr. MITCHELL. And broke up, along with my observations.

Mr. DASH. What specifically did you say?

Mr. MITCHELL. I cannot tell you specifically any more than I can tell you specifically what Mr. Dean said but my observation was to the point that this was not going to be accepted. It was entirely out of the concept of what we needed and what we needed was again an information-gathering operation along with, of course, the program to get information on and to be able to have security against the demonstrators that we knew were coming.

As you recall, Mr. Dash, at this particular time they had already started to form in substantial numbers in San Diego in connection with the proposed convention, even though that convention was not to happen until August of that year.

Mr. DASH. Well, since this reappearance, and presentation of the so-called Liddy plan to you which included these obviously objectionable portions to you as you testified, and since you did not take any violent action at the preceding meeting, did you take any action against Mr. Liddy as a result of his coming back again on February 4 and re-presenting it?

Mr. MITCHELL. Other than to cut off the proposals; no.

Mr. DASH. Why not? Here is a man talking to you as Attorney General about illegal wiretapping and perhaps break-ins. Why, if you did not have him ordered arrested for trying to conspire to do things like this, why didn't you have him fired?

Mr. MITCHELL. In hindsight I would think that would have been a very viable thing to do. And probably should have been done. Liddy was still an employee of the campaign and I presumed that he would go back to the duties that he was performing without engaging in such activities.

Mr. DASH. Well, you had to be aware at least at that time, Mr. Mitchell, that Liddy could become a very embarrassing employee of the campaign.

Mr. MITCHELL. Not necessarily, unless he violated directions under which he was operating to that point there was no such, there was no such evidence that he was violating.

DV

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1 BY MR. FRAMPTON:

2 Q Now, on or about February 4, 1972, did you attend
3 another meeting in Mr. Mitchell's office at which the same
4 people were present -- that is, Mr. Mitchell, Mr. Liddy and
5 Mr. Magruder and yourself?

6 A I did, yes.

7 Q And who called you about this meeting or contacted
8 you about it?

9 A Again, it had been set up by Mr. Magruder, as the
10 first meeting had, also.

11 Q Did he tell you what the purpose of the meeting was
12 before you arrived?

13 A I was aware of the fact that Mr. Liddy was going to
14 present his revised plan.

15 Q Now, who was present when you arrived at Mr. Mit-
16 chell's office?

17 A Well, I arrived at the meeting quite late. I don't
18 know how long it had been proceeding before I arrived. I had
19 some hesitations about even going to the meeting and then
20 thought I ought to go ahead and go and see what was going on.

21 When I arrived, the meeting was in progress and Mr.
22 Liddy and Mr. Magruder and Mr. Mitchell were talking about
23 some of the same things that had been talked about in the
24 first presentation. This was really sort of a scaled-down
25 version.

DV

24

1 Q Did Mr. Liddy again have charts?

2 A He didn't have charts. He had handed out some
3 papers, as I recall, and I believe they were budget papers
4 on the revised budget for the plan.

5 Q When you say papers, you mean eight by eleven?

6 A Eight by eleven, right.

7 Q Or legal size?

8 A Typing size. Eight by eleven, right, I believe was
9 the size.

10 Q Did you say that the others at the meeting had
11 copies of these documents?

12 A Yes, they did.

13 Q While you attended the meeting, was there some dis-
14 cussion of the substance of the scaled-down proposal?

15 A Well, there was enough discussion that I was aware
16 of what was going on, and I don't know how long I was at the
17 meeting, but it wasn't three, four, five minutes when I
18 thought that I should interject myself in the meeting and I
19 didn't think it was appropriate to be discussing these things.
20 So I tried to do it in as graceful a way as I could, but I
21 said to all present, I said I thought the meeting should stop;
22 that these were matters that should not be discussed in the
23 office of the Attorney General of the United States.

24 Q Now, did you learn, while at the meeting, what the
25 budget for Mr. Liddy's scaled-down program was?

1 A As I recall it, it had been cut in half.

2 Q And did you learn whether the revised or scaled-
3 down plan also entailed a considerable amount of electronics
4 surveillance?

5 A I was certainly aware of the fact that it did in-
6 volve electronics surveillance, yes.

7 Q Now, during either of these meetings, or both of
8 these meetings, were any targets discussed for surveillance
9 or other surreptitious intelligence?

10 A Yes. I can't tell you in which meeting, for certain
11 I recall discussion of this, but I do recall a couple of
12 potential-type targets being mentioned.

13 I remember one was the Fontaine Bleu Hotel in Miami,
14 because I remember Mr. Liddy saying that they had already
15 explored the possibility of getting rooms in the hotel near
16 some of the candidates who would be staying in that hotel.

17 Q Democratic candidates?

18 A Democratic candidates, yes, during the Democratic
19 Convention. I also remember a discussion of Mr. Larry O'Brien
20 as a target. I recall a discussion of the Democratic Head-
21 quarters as a potential target.

22 Q When you say Democratic Headquarters, what do you
23 mean by that?

24 A Well, you know, I can't recall -- in my mind now,
25 of course, the DNC here in Washington jumps into my head.

DV

26

1 Whether it was necessarily limited to that, at the time, I'm
2 just not certain.

3 Q Now, was there any particular interest in getting
4 information about Larry O'Brien, among the White House staff,
5 at this time?

6 A Well, there had been a long interest in Larry O'Brien
7 at the White House. The first time I became aware of it was
8 about a month after I joined the White House staff when Mr.
9 Haldeman sent me a request -- and this is really the first
10 sort of political intelligence request I had ever had -- to
11 get certain information about Larry O'Brien.

12 So it started as early as August of 1970, and there
13 had been periodic requests along the way that had come to my
14 attention for information about Mr. O'Brien, and I was aware
15 of general interest, in the White House, in Mr. O'Brien, yes.

16 Q After you said that these matters ought not to be
17 discussed in the presence of the Attorney General anymore,
18 did that break up the meeting?

19 A Yes, it did.

20 Q And did Mr. Mitchell say anything, to your knowledge,
21 to Mr. Liddy about the future of this plan, at that time?

22 A There may have been discussion, but I don't have
23 any recollection of it. I think my comments put a real damper
24 on the meeting. That ended it.

25 Q Now, as you were leaving the meeting -- after the

DV

27

1 meeting -- did you again have a conversation with Mr. Liddy?

2 A I did.

3 Q And what was the substance of that conversation?

4 A I told him that I would not talk to him any further
5 about this matter. I said it just wasn't something that I
6 was going to be at all interested in or be willing to talk to
7 him about.

8 Q Did you tell Mr. Liddy then, in substance, that if
9 this plan went forward you didn't want to hear about it any-
10 more, you didn't want to have any discussions with him about
11 it?

12 A That is correct.

13 Q And did you also have a conversation with Mr.
14 Magruder?

15 A Mr. Magruder was present when that conversation
16 transpired and he was aware of my comments to Mr. Liddy.

17 Q So as far as your own knowledge of the substance of
18 the meeting was concerned, Mr. Mitchell did not disapprove
19 Mr. Liddy's overall going ahead with this plan, or some in-
20 telligence plan?

21 A Well, of course, I can only speak for the part of
22 the meeting I was present at and there was no disapproval
23 then, no.

24 Q Now, did you shortly thereafter seek an opportunity
25 to report on these meetings to Mr. Haldeman?

DV

28

1 A Yes, I did.

2 Q And did you get a meeting with him?

3 A Well, I recall some difficulty in scheduling the
4 meeting. So Mr. Higby was aware of the fact that I wanted
5 to see Mr. Haldeman and, as had been done on other occasions
6 when I wanted to see him, Mr. Higby worked me into the schedule
7 when another meeting had either been postponed or cancelled or
8 delayed, and made an opportunity for me to get in there and
9 see him.

10 Q And what was said by you and Mr. Haldeman when you
11 made this report to him?

12 A Well, I described to Mr. Haldeman what had been
13 going on in Mr. Mitchell's office. I gave him a brief descrip-
14 tion of the type of plan that Mr. Liddy had developed. I told
15 him that I certainly didn't think that muggings and buggings
16 and prostitutes and the like were necessary to deal with the
17 problems as I saw them, and that I didn't really want to have
18 any part of this, and I didn't think anybody at the White
19 House should have any part of it.

20 And Mr. Haldeman agreed that I, indeed, shouldn't,
21 and so instructed me.

22 Q In substance, what did he tell you?

23 A He told me that he agreed that, you know, this was
24 not necessary and I shouldn't have any part of it.

25 Q So he just told you to stay out of it?

DV

1 A That's correct.

2 Q Now, in February and March did you have any further
3 conversations with Mr. Liddy about legal matters or other
4 matters?

5 A Well, as I referred to earlier -- and I was referring
6 in the broader context of when Mr. Liddy first went over and
7 continued after -- he would come to my office and seek in-
8 formation regarding election laws, or he would prepare memo-
9 randa on a given matter of the election law.

10 They would often be referred to my office to deter-
11 mine whether I fully agreed or might disagree with Mr. Liddy's
12 opinions. So I did have contact with him, and I can recall
13 one instance when he came to my office and he wanted to talk
14 about the intelligence plan, which he said he just couldn't
15 get off the ground.

16 And I said, "Well, Gordon, you recall that we're
17 not going to talk about that." And he said, "Yes, I under-
18 stand." And we did not talk about it.

19 Q Now, when he said he couldn't get it off the ground,
20 what did he mean by that?

21 A Well, he couldn't get it approved is what the sub-
22 stance of the conversation was.

23 Q Now, in about late March of '72, did you learn that
24 Liddy and Magruder had had some kind of an argument or dis-
25 agreement -- falling out?

5. In February 1972 H. R. Haldeman directed that \$350,000 cash in campaign funds be placed under his unquestioned personal control. The money was picked up by Gordon Strachan, Haldeman's assistant, in early April 1972. Strachan in turn delivered it to Alexander Butterfield, a deputy assistant to the President. Butterfield delivered the money to a personal friend for safekeeping. This fund was maintained substantially intact until after the November election.

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Copy 1 of 2 copies

February 1, 1972

MEMORANDUM FOR:

H.R. HALDEMAN

FROM:

GORDON STRACHAN G

SUBJECT:

Political MattersFinances

1) Herb Kalmbach reviewed his current financial situation and related hard decisions with the Attorney General and Secretary Stans on January 28. Kalmbach asked that you consider:

a) Of the 1.2 fund Kalmbach has a balance of 900 plus under his personal control. From the original 1.2, 100 went to Lee Nunn for the Kentucky Governorship Race; 50 went to Caulfield for Sandwedge; and 70 has been disbursed to Derge for polling over the last six months. Of the 900, 230 is in "green" boxes, 570 is in a New York checking account and 120 is in a Newport checking account;

b) In light of the campaign spending legislation, Stans, Kalmbach, and Dean recommend that the 690 in accounts be spread back into legal committees and kept under Finance Chairman Stans' control. The 230 green would be put in a Riggs box with access by any combination of two of the following people: Tom Evans, New York -- France Raine, Jr. (who Kalmbach wants to use generally in the finance area) -- and Kalmbach. If this recommendation is not accepted Kalmbach is willing to retain personal control of the 900 and run the very high risk of violating the criminal provisions of the campaign spending legislation. Stans is opposed to paying for any polls other than through a correct committee; the risk from using green is just too high. OK

Recommendation:

That the advice of Stans, Kalmbach, and Dean be followed in that the 690 would be put in legal committees; that only the 230 green would be held under Kalmbach's personal control; and that any polling would be paid for by regular Nixon Finance Committees.

Approve _____

Disapprove _____

Comment _____

-2-

c) Kalmbach is very concerned about his involvement in the milk producers situation. He believes that Jacobsen and Nelson will deliver though they have cut the original 2,000 commitment back to 1,000. Kalmbach's concern centers around the recent press disclosures that link Jack Gleason and the '70 campaign election funding. Kalmbach will accept the risk of being subpoenaed by the court in connection with the Nader milk suit. The Attorney General believes Kalmbach should continue to handle the milk project, but Kalmbach wants your advice.

Recommendation:

That Kalmbach not be involved in the milk project because of the risk of disclosure.

Approve _____

Disapprove _____

Comment _____

I'll die. W. H. G.

d) Kalmbach cleared the Ed Nixon campaign post with the Attorney General. Ed Nixon will begin February 1st, at 25 per year plus expenses, living costs, and travel. Kalmbach estimates the total will be "thrilling" but is pleased that he will be off the Foundation payroll.

e) Governor Nelson Rockefeller is in Kalmbach's 100 club with a 250 commitment.

2) Stans will officially move to the Nixon Finance Committee on February 16. In the meantime, he, Kalmbach, Hofgren, Nunn, and Sloan are conducting a 60 day blitz to get funds in before the campaign spending legislation becomes law.

When Stans arrives at 1701 he will send a personal letter to the 5000/\$3000+ contributors. He will also authorize a much larger Walter Wentz -- Readers Digest direct mail appeal from various lists.

The current financial position of 1701 is 3,600 received, 1,300 disbursed, leaving a 1,600 balance of which only 50 is in green.

Stans is moving into operational responsibility, but there is still no budget set for the various parts of the 1701 efforts.

Through Kalmbach, Stans is requesting Executive Mess Privileges. As you may recall, Cabinet Officers have

-3-

honorary memberships in the regular White House Staff Mess. To my knowledge, only Secretary Hodgson uses this privilege.

Recommendation:

That Stans receive Executive Mess privileges.

Approve _____ Disapprove _____

Comment _____

Harry Dent

- 1) He believes that the President's "drop by" at the Bob Brown dinner was one of the most important, successful, politically astute moves made toward blacks in this Administration;
- 2) Hugh Chatham may seek and win the North Carolina Senate seat in 1972; Pete Domenici may beat Dave Cargo for the nomination to seek the New Mexico Senate seat;
- 3) Thurston Morton may lead a drive to get Louie Nunn into the Kentucky Senate race if there is some financial assistance;
- 4) The first practical test of the Harry Dent theory of obtaining black votes has developed since your meeting with Mr. Dent during the week of January 12. Don Johnson of the Veterans Administration reports that the Urban League claims that the President promised Whitney Young, in Oval Office meetings, 9 million in make-work projects. Dent says there is no written record of this promise. Dent says Len Garment will favor creating these jobs for the Urban League. Garment has not been contacted personally because he has been on a trip and unavailable. Dent is convinced that Don Johnson can reject this request without undue political flak. Dent strongly recommends that he do so, and that any available funds be channelled to Dent/Bob Brown recruited blacks who can deliver for the President on November 7, 1972. I am not sure whether you have discussed Dent's theory of Southern black voters with the Attorney General. Dent has not contacted the Attorney General.

Recommendation:

If you have not discussed the Dent/Brown theory with the Attorney General, Dent should be advised to do so and then follow the Attorney General's advice on the disposition of the Urban League request.

Approve _____ Disapprove _____

Comment _____

-4-

3) Rose Mary Woods and Clark MacGregor were invited to Harry Dent's Political Issues Group meeting but did not attend. At that meeting all strongly urged that you tell Frank Shakespeare to make sure no USIA prestige poll similar to the one that damaged Nixon in 1960 is conducted in 1972. A talking paper was prepared for you, but there was only a "check mark" on the cover memorandum (original attached at Tab A) with no indication whether you accepted or rejected the advice of the Political Issues group.

Yes, Haldeman will cover with Shakespeare

No, the Attorney General will cover with Shakespeare

Neither Haldeman nor the Attorney General will cover it, drop the suggestion

Other _____

G-7
12/1/72
2/3

According to Magruder, rumors are circulating in the Washington Press Corps that Shakespeare will be leaving USIA to join the Campaign. Magruder checked with the Attorney General and he confirmed that Shakespeare will not join the Campaign.

Fred LaRue

He has begun sitting in the Campaign Strategy meetings, working with Flemming, and generally making a contribution to the Campaign.

G-7
12/1/72
4/7

The Attorney General has asked LaRue to assume supervisory control of the RNC. In that connection, LaRue has asked that you send the memorandum attached at Tab B to the White House Staff. It would enable LaRue to determine who is asking for what at the RNC.

That is ridiculous

Cliff Miller

On January 27 Miller told the Attorney General that Harry Flemming and the field operation needed Fred LaRue to add stature and ability. The Attorney General agreed and plans on meeting with Flemming and LaRue this week.

The Attorney General told Miller that he would set the date of his official move to 1701 in a discussion with the President on January 29. Miller does not know what was decided.

-5-

RNC Convention

1) John Dean summarized an Intelligence Evaluation Committee report on the demonstrations planned for the Republican National Convention in San Diego (Tab C);

8/2/72
2) Bill Timmons submitted three memoranda to the Attorney General on San Diego and the 1972 Convention. The first indicates that original estimates of income and costs must be revised substantially. As to income, the City of San Diego is failing to honor its commitment to pay for convention hall expenses. The RNC is "reluctant" to accept the ITT-Sheraton money. Expenses projected by Dick Herman are not essential. Timmons is asking for authority from the Attorney General to direct Herman to cut expenses and force San Diego to deliver on its commitments. The second memorandum describes the success Timmons had, working with the Attorney General, in persuading Senator Scott to accept the position of "floor leader". Finally, Timmons notes that LIFE has an investigative reporter working on what may be a rather negative article on San Diego, the RNC Convention, and C. Arnholt Smith. (Timmons' three memoranda are attached at Tab D).

Jack Gleason

As you know, Jack Gleason's name has appeared in the recent "milk money" stories in the STAR. Gleason is "sick and fed up with this type of material appearing in the press". Gleason blames Bob O'Dell and Eleanor Williams at the RNC. However, Gleason is also mad at Colson stemming from Colson's "summoning" him to his office and "accusing" Gleason of leaking derogatory information to the press about Colson. Gleason is seeking advice whether he should have a quiet, off the record, discussion with reporters Jules Whitcover and Polk to demonstrate that Gleason is a "nice" guy. It's hard to imagine a worse idea than having Gleason talk with reporters, but told Gleason I would check.

Yes, Gleason see reporters

No, Gleason should continue to avoid reporters

Other

Don Rumsfeld

One memorandum on the conservative recruitment procedure in England arrived. An anonymous memorandum on the Indiana situation urges cultivation of Irvin Miller.

-6-

G-9 Jan 17
Magruder's Projects

- 1-2*
2-4
9-13
2-4
- 1) Schedule Matters -- Updated lists of surrogate candidates' appearances in New Hampshire and Florida are attached at Tab E. *What are the clubs?*
 - 2) Older Voters -- You asked what the various Administration Officials were doing to cultivate the older voters. Ken Cole does not receive reports from Vicki Keller of the Domestic Council but does regularly review her work. Bud Evans, Colson's older voter's project manager is following an older voter plan developed in Colson's office. A final version of the report will be submitted to you and the Attorney General. Keller and Evans are working with Arthur Flemming and Danny Todd of the Committee to Re-Elect the President. *Make sure they do it*
 - 3) Magruder as Spokesman -- Magruder was quite upset by your January 17 memorandum to the Attorney General indicating that Magruder should not be a spokesman for the Campaign. Magruder emphasizes that he and the Attorney General agree but that since May until February 7 there was no one else who could "get out the lines requested". There were only three series of interviews and most were quite positive. Magruder anticipates another series around the time of the Attorney General's move, but Shumway will handle the Committee's relations with the press at that time. *JS*
 - 4) Polling -- The Attorney General directed Magruder to give Bob Teeter three weeks to deliver on his poll results scheduled or seek employment elsewhere. Magruder believes Teeter will now begin delivering the results and the projects you have requested. However, the Campaign polling system is currently working poorly. You are receiving chunks of survey data with no recommendations as to what should be held by you and the Attorney General and what should be distributed to Peter Dailey, Harry Flemming and other members of the Campaign Strategy Group. I would welcome the assignment of reviewing these materials, recommending data for release, and processing requests to Teeter. One alternative, which Magruder is urging, is a meeting with you, the Attorney General, Teeter, and Magruder to resolve the polling problems of the quantity and quality of Teeter's work and the access to polling information.

_____ Haldeman meet with the Attorney General, Magruder, and Teeter

_____ Strachan review polling materials

12
 _____ Other

111

Copy #1 of 3

February 16, 1972

MEMORANDUM FOR:

H.R. HALDEMAN

FROM:

001299

GORDON STRACHAN G

SUBJECT:

Political Matters

Finances

1) Herb Kalmbach will serve as Associate Chairman of the Finance Committee under Secretary Stans. The Attorney General concurs.

2) Kalmbach cleared with the Attorney General and Stans the 350 in green under your unquestioned personal control. A separate box of green is being developed for the Campaign.

3) Kalmbach will receive an additional 100 from Dick Watson in Paris raising Watson's total from 200 to 300.

4) Kalmbach is working with the milk people to increase the 233 currently banked to 1,000 by April 7.

5) Kalmbach saw Don Nixon and informed him that he should channel all requests of the White House through Kalmbach. This is exactly the same treatment Jack Drown receives.

6) Kalmbach granted the full-time gardner at San Clemente, Brigado Garcia, a \$25 per month raise bringing his monthly salary to \$539.00.

7) Concerning the Star story on Kalmbach, discussions with John Dean, Fred Malek, Jack Gleason, Hugh Sloan, Jeb Magruder, and Herb Kalmbach developed these tentative conclusions:

a) The material is primarily the result of thorough investigative reporting by skilled newspapermen;

b) The material was probably not directly leaked but rather the result of careless, loose talk disclosing the only new information, Kalmbach's name;

c) Information from 1968 may have come from Dan Hofgren (Herb Kalmbach lectured him harshly); the 1970 information may have come from Eleanor Williams (Jack Gleason and Herb Kalmbach say she is vindictive and cannot be influenced) and the 1972 information may have come from Jon Huntsman, who was mentioning Kalmbach's name to people when leaving the White House Staff. Kalmbach personally talked to him. These

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-2-

WMI

001300

tentative conclusions regarding sources of information have not been confirmed by polygraphs.

Good
Account
8) The budget committee for the Committee for the Re-Election of the President will be Stans and the Attorney General as Co-Chairman, Herb Kalmbach as Associate Chairman, and Lee Nunn, Cliff Miller, and Fred Malek as members. Magruder is not on the Committee. Paul Barrik, a Stans' recruit, will act as Controller and Hugh Sloan will continue as Treasurer.

✓ 9) Within the strictly finance area, Stans will be Chairman and Leonard Firestone, Gus Levy, Max Fisher, John Rollins, and Mrs. Ogden Phipps will serve as Co-Chairmen. In house the Vice Chairmen will be Dan Hofgren, Lee Nunn, and Newell Weed.

✓ 10) Stans' goal of 10,000 in by the Campaign Spending Legislation effective date of April 7 is approximately one-third complete.

✓ 11) The Campaign has raised 5,000 but spent 2,000 in its first nine months. Expenses for January totalled 550 while projected expenses for February are 900. The Attorney General has asked Magruder for a list of the 124 employees and their salaries.

Good Malek
Malek could raise a pertinent question now & then at budget Comm. mtg.
Harry Dent

✓ 1) Magruder believes he was the source of the February 14 Evans and Novak story on political aides at the White House criticizing the "consciously aiding" comment you made. The meeting could have been the Campaign Strategy Group meeting of February 7. Magruder has re-cast the Campaign Strategy Group to exclude Dent.

✓ 2) Dent advised the Attorney General that if Governor Nunn does not seek John Sherman Cooper's Senate seat, Robert Gable should be encouraged. Gable is a wealthy, loyal Republican.

✓ 3) Dent advised the Vice President that he should speak to the California Republican Assembly on April 8. Governor Reagan urged that the Vice President appear, and the Vice President accepted.

✓ 4) In the New Mexico Senate race Dave Cargo may cause problems in the GOP primary even though our 1970 candidate for Governor, Domenici, is the only one who could beat the Democrat, Jack Daniels.

-3-

001301

001301

5) A nationwide voter turnout survey indicates that only in the South has there been a rise in voter turnout, while the key states, Ohio and Missouri, suffered a decline of 7.9% and 8.1% respectively between 1960 and 1968. The rise in the South is attributed to the black vote while the decline in certain states is attributed to apathy.

6) Wallace Henley monitors George Wallace for Harry Dent through Tom Turnipseed, Wallace's former Campaign Manager. A third party challenge by Wallace in November is not anticipated but could develop if Wallace receives enough money and publicity.

7) West Virginia Governor Arch Moore will seek re-election according to Dent because he has a poll showing him ahead of Jay Rockefeller. The President leads all Democratic contenders in West Virginia by at least 13% when Wallace is in the race.

8) David Treen lost the Louisiana Gubernatorial race to Congressman Ed Edwards because of the solidarity of the Democratic Party and the heavy black vote. Dent believes that this relatively narrow defeat augurs well for the President even if Wallace is in the race.

9) In North Carolina, Charlie Jonas, Jr. has turned out to be a weak Nixon Chairman who will not dissociate the Jim Holshouser effort to become Governor. Dent has assured the Attorney General that he will continue to try to separate the Nixon and Holshouser operations and to prevent any other campaigns from tying into the President's campaign.

Don Rumsfeld

He forwarded an anonymous political assessment of Hawaii which indicates that "the likelihood of the President carrying Hawaii seems very slender". There are no races state wide in Hawaii in 1972.

Tom Evans

1) The primary responsibilities of the RNC in the 1972 Campaign will be voter registration, voter turnout, and ballot security. The registration drive (Target '72) began in Florida and Texas in January and will continue through the spring. Ed DeBolt at the RNC is the man responsible to register 1 1/2 million Republicans by May 15 and 8 million by October 1972.

001301

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001302

2) Tom Evans asked Jeb Magruder to censure John Lofton for his POW wife call last week. Evans does not feel he controls Lofton. Chuck Colson is exerting more control over Lofton and Monday with only occasional complaints from Evans.

Don't censure him for one mistake - his own 1000 thing right

Charlie McWhorter

During the campaign he will continue to travel at AT&T's expense. However, he has terminated his formal ties with the Vice President's office to protect against any suggestion of impropriety.

Magruder's Projects

1) Advertising -- The newspaper ads that Peter Dailey prepared and you reviewed on February 14 will run in New Hampshire. You did not view the TV spots which are not scheduled to run in New Hampshire. The decision as to the extent of the media campaign in Florida will be made when the Florida follow-up telephone poll arrives.

2) New Hampshire/Florida -- The extensive direct mail (\$75,000 in New Hampshire and \$100,000 in Florida) and telephone (\$25,000 in New Hampshire) campaigns are continuing as planned.

3) Wisconsin -- A campaign plan prepared by the Davis Agency for Nixon State Chairman John MacIver has been submitted to Magruder for review before submission to the Attorney General. *Why didn't it go to Dailey?*

4) Farm -- Clayton Yeutter, the farm director at 1701, hired John Foltz, visited Secretary Butz, farm Senators and Congressmen, and worked with USDA on the rural development issue.

5) Elderly -- Fred Malek has been asked to "untangle" the White House/1701 confusion. His report is due March 1. Arthur Flemming is now scheduled by the 1701 speakers bureau. Danny Todd and Peter Dailey are re-working HEW films for the elderly.

6) Booksmen Resources -- Schedules for New Hampshire, Florida and Wisconsin are submitted weekly.

WH

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7) California -- The California delegation list for the RNC Convention has been submitted to the Attorney General. The Los Angeles County list has not been completed. The Attorney General authorized \$150,000 for a special 1,000,000 new young voters drive in California under the direction of Ken Rietz.

8) Campaign Strategy Group -- At the February 7 meeting the group approved the title for the campaign newspaper (The Re-Elector). Bob Teeter informed the group that the "President was in good shape in 17 of 19 target states, and was running ahead of his 1968 margin. Important issues are Vietnam, inflation, and order/calmness (in the President's favor), environment, race, health care (even), unemployment, crime/drugs (negative)."

9) Campaign Briefing -- Fred Malek and Jeb Magruder are considering a briefing for the White House staff on the activities at the Committee for the Re-Election of the President.

10) Media Monitoring -- Van Shumway is establishing state by state systems to review press coverage and to counteract negative comments. The Illinois program with weekly reports will serve as the model. The Attorney General does not receive the proposal, but Shumway is proceeding with Magruder's concurrence.

11) RNC Convention -- Timmons and Magruder have asked the Attorney General to establish a permanent office in San Diego with Chick Cudlip as Executive Director. No decision has been reached. Timmons is meeting bi-weekly with Senator Dole, Representative John Rhodes, Dick Herman, John Dean and Bryce Harlow on plans for the Convention.

12) New York -- The Attorney General is using Bob Marik (generally considered the best man at 1701) as the staff man for regular contact with Governor Rockefeller's staff.

13) Magruder is seeking authority for approval of Campaign media by Cliff Miller instead of you for the White House. Repeated explanations to Magruder that you only want to see the material on an FYI basis have not convinced him that this is unnecessary. Magruder frequently finesses Miller (e.g. the infamous RNC film) in spite of the fact that Miller is the final media review for the Attorney General. However low your interest in the media materials you should continue to receive them on an FYI, not approval, basis.

Right

-6-

WHL

001303

14) Magruder and Colson are increasingly at odds. The most recent dispute concerns the "line" as to whether Muskie should be personally attacked on his war stand. After your "consciously aiding" statement Magruder and Miller thought they had an agreement on behalf of the Attorney General that Colson was not to continue programming hits at Muskie. Colson continued the attack on Muskie through Cabinet and Hill spokesmen. Magruder plans on seeking authority from the Attorney General to be the only contact with the spokesmen to the express exclusion of Colson.

*This is not acceptable —
Colson is acting without express
instructions. Tell Magruder
to talk to me if he has
a problem —*

WHL

*G to JFM
2/16*

WHL

2878

for information purposes and usually took the form of a summary memorandum, backed up by a huge amount of supporting material which I rarely read.

In the specific case of advertising and promotional materials the standard procedure required a final signoff by me before the ads or materials were considered approved. Thus, in this particular area I did, in effect, exercise approval authority but even here I did not have control over either the personnel or the policies involved in developing the material. I only had a final signoff on the end product.

Strachan also routed these materials to others in the White House who were concerned with them.

I also had a particular interest in polls and in scheduling and paid more detailed attention to these areas.

I think it was very clear to all concerned that the committee was running the campaign, not the White House.

I do not believe I had control over any funds at the committee nor did I exercise any authority or direction as to the utilization of funds, except in a general sense. I never signed a campaign check.

I was, to some degree, involved in the decision process regarding funds to be used for advertising and polling. The committee also allocated funds to pay for expenses incurred by the President or the White House that were clearly campaign expenses as contrasted to Government expenses. This would include such things as cost of campaign travel, advance men, et cetera.

Some indication of my role in the campaign may be found in the fact that I visited the committee headquarters only once during the entire campaign period and that was on the occasion of the President's visit to see the headquarters and meet the campaign workers.

Also, I had very few meetings with any members of the staff of the Committee To Re-Elect the President, except those with John Mitchell which were on a frequency of about once a week during the time he was campaign director. In addition to that, I did sit in the semiweekly campaign review meetings held in John Ehrlichman's office and, of course, as has been indicated, Mr. Mitchell and Mr. MacGregor sat in the regular morning White House staff meeting so that there could be full coordination between the White House and the committee on overall strategy.

My contact with the campaign, in other words, was through fairly infrequent meetings with Mr. Mitchell and fairly infrequent meetings with Gordon Strachan of my staff; but I kept in general touch with campaign activities through Strachan's summary memorandums and the meetings described above.

THE \$350,000

Prior to the April 7 date on which the new campaign spending legislation took effect it was agreed by Mitchell, Stans, I believe Mr. Kalmbach and me that \$350,000 of the 1968 surplus cash funds should be set aside to cover possible needs for special private polling by the White House apart from the regular polls conducted by the committee. This was in anticipation of a possibly hard-fought close election.

I understand from Gordon Strachan that he received the cash from Hugh Sloan on April 6. He, in turn, arranged to have this cash held

2879

in a safe deposit box or safe by another individual outside the Government. It is my understanding from Strachan that this transfer was made immediately and the entire \$350,000 was placed in safekeeping outside the White House.

I did not feel we should keep such a large amount of cash at the White House, nor did I feel it was a good idea for it to be in the physical custody of a member of the White House staff which was why these arrangements were made. I never at any time saw or handled the currency, and I must rely on Strachan's reports to me as to how it was handled.

I have been informed by Strachan that there was one withdrawal in April or May of 1972 of \$22,000 to pay for some advertising not directly related to the election campaign. This was at the request of Dick Howard of Chuck Colson's office. I think Strachan said the money was delivered directly to the advertising agency.

The balance of \$328,000 was not used. I instructed Strachan after the election in November to turn over the unused funds to the committee since the White House had no further need for them. I told him to work out with John Dean the means of doing this. Strachan has informed me that the funds were turned over in January 1973, although he incurred some difficulty in doing so after he took possession of the funds on November 28, 1972.

In December I became aware, probably via Dean, that there was some difficulty in turning over the cash to the committee, presumably because it posed reporting problems.

At a later time, Dean mentioned to me the committee's need for funds for legal and family support for the Watergate defendants. I suggested to Dean that he try to work out a way of solving both the problems of our desire to deliver funds to the committee and the committee's need for funds.

Dean later told me that he had worked this out and that part of the cash, I believe \$40,000, could be delivered immediately to the committee via Fred LaRue. He had Strachan do this, I am told, and several days thereafter, Dean had Strachan deliver the balance to LaRue.

To sum up: After my original instruction to Strachan to transfer the money to the committee, my involvement in the transfer of the funds was entirely through John Dean. He told me of the problem in transferring the \$350,000 to the committee. He told me he had worked out the problem. He told Strachan how, when, and to whom to make the transfer. He told me the transfer had been made.

He did not, at any time in this sequence, advise me or imply that the transfer itself or the purpose of the transfer was to buy the Watergate defendants' silence or that it was in any way illegal or improper.

It is my understanding, that all this took place in the period of November to January, but I am not sure of the timing.

I have no recollection of any knowledge of the reported transaction on November 28 when Dean had Fred Fielding of his office pick up \$22,000 in cash from Mr. Stans, ostensibly for the purpose of replacing the \$22,000 that had been expended from the \$350,000 in April.

I do recall that one of Dean's problems in the process of transferring the \$350,000 to the committee was the fact that \$22,000 had been

my knowledge, Mr. Sloan did not tell me about that budget and I did not know that Mr. Liddy had authority to draw an amount of money of that size.

Now, with respect to Bart Porter, I think that Mr. Sloan's recollection is somewhat confused, because my understanding of it is somewhat different. I had learned prior to April 7 that Mr. Porter had a cash fund in his safe, that he sometimes received money from one or more sources and used it to pay for certain campaign purposes. I objected to that, because I wanted there to be only one treasurer in the campaign. So there was an understanding which Mr. Sloan has confirmed in his testimony that Mr. Porter would not receive any more money from him. And to the best of my knowledge, he did not receive any money from Mr. Sloan after April 7.

Now, subsequently, some date in August, I asked Mr. Sloan how much money he had given Porter after April 7, and he said none.

More importantly, on September 6, I met with Mr. Sloan's attorney, and the attorney for the committee, to learn some more information about Mr. Sloan's activities after April 7, and Mr. Sloan's attorney told us that after April 7, Sloan had given Porter only \$500. Both the committee's attorney, Mr. Parkinson, and I have our notations of that conference. Subsequently, as you know, it was developed that Mr. Porter had received \$5,300 from Mr. Sloan and that was cited by the General Accounting Office. Later, it evolved that the amount was \$11,000, and I understand Mr. Porter testified last Friday or Thursday that he received \$17,000 from Mr. Sloan. So I have no knowledge of those transactions or the use to which they were put, except as I have learned subsequently in testimony.

Mr. EDMISTEN. So we have some conflicting testimony again regarding the transaction.

Mr. STANS. I do not want to be critical, but I believe that Mr. Sloan's memory in that respect is faulty and perhaps confused. He may have discussed with someone else the question of authority to give money to Bart Porter.

Mr. EDMISTEN. Now, Mr. Stans, did you learn of the payment of cash of some \$350,000 from the finance committee to Gordon Strachan and when that payment was made?

Mr. STANS. Yes, I learned a little bit more about it, I think, than Mr. Sloan did, because back in February of last year, I heard from someone—I think it was Mr. Kalmbach, but I am not sure—that the White House would like to have some of the 1968 money that he had turned over to our committee, to use for special polling purposes. No amount was mentioned at that time and I have no recollection of any other discussion about this subject until after the \$350,000 was given by Mr. Sloan or Mr. Kalmbach to Gordon Strachan. I believe that Mr. Kalmbach takes full responsibility for that transaction. At a later date, I asked Mr. Sloan if the White House had ever gotten the money it wanted, and he said, "Yes, they got \$350,000". I do not think that the difference in our recollections is material on this point, because I certainly would not have objected to the item in any event, had I been asked about it beforehand. I did not object to it when I heard about it in February. I think it was a perfectly proper transaction.

Mr. EDMISTEN. Now, Mr. Stans, I do not want to drag this out, but, I think the committee does want to know something about all of the allegations that have been made regarding four so-called Mexican

In the case of Mr. Kalmbach, he, in a period from March 1971 up until Secretary Stans came into the campaign, was essentially my senior, from whom I took instructions. He was the principal fund raiser for the President's reelection campaign, during that period. He, over this period from March until April 7, received, to the best of my recollection, approximately \$250,000 in cash. I would qualify that by saying that in raising the funds, there were occasions, and I cannot give you what proportionate amount, where we would raise the funds, not give it to me but give me the name of the donor, so in terms of my own internal bookkeeping, I would receive the funds from that individual to Mr. Kalmbach. So the entire \$250,000 figure, that amount of money did not physically go through my hands.

Mr. DASH. Now, do you know of your knowledge why Mr. Kalmbach received, either by holding on to receipts of his own or by actual disbursement by you, this amount, \$250,000?

Mr. SLOAN. No, sir, I have no knowledge.

Mr. DASH. Did you receive any receipt from Mr. Kalmbach concerning any money that was received by him from you?

Mr. SLOAN. No, sir. Not only in the case of cash, but in this entire pre-April 7 period, receipts just were not used in the campaign, period.

Mr. DASH. Then will you go to the next person listed?

Mr. SLOAN. Mr. Gordon Strachan, who was the political liaison between Mr. Haldeman at the White House and the campaign committee. This \$350,000, Mr. Kalmbach, on a day just prior to April 7, and I am not sure of the precise date but my best recollection would be within 10 days prior to the effective date of the new law, came to me and indicated that he had had a request from the White House for \$350,000 in cash, would I get that together for him. In the conversation, he indicated that he had talked to Bob Haldeman.

At some point in the same day, Mr. Strachan was present in the committee. Mr. Kalmbach indicated to me that Mr. Strachan would arrange to have this picked up. I had put the money in a briefcase and I do not believe I was there when the money was physically picked up, so I do not confirm that Mr. Strachan in fact personally picked this up. But I either turned it over to Mr. Kalmbach or to my secretary. I believe I was going out to lunch and was not there when this was picked up.

Mr. DASH. With regard to the \$350,000 or any other cash, could you tell us what denominations generally the cash was in?

Mr. SLOAN. I would say generally the cash was in \$100 bills, although at times, there were \$50's, \$20's, \$10's. At one point, I think we even had some \$1,000 bills.

Mr. DASH. Now, with regard to Mr. Porter.

Mr. SLOAN. I might add one further remark about the \$350,000. To the best of my recollection, after having the authority from Mr. Kalmbach to do this, there was a meeting in Secretary Stans office in which he was present and I was present. I do not believe this was the subject of the meeting. I think it was a very brief reference. My recollection is that Mr. Kalmbach indicated to Mr. Stans that he had had this request for \$350,000, that he had asked me to get it together. My best recollection is that Mr. Stans said fine.

Mr. DASH. Now, do you know of your own knowledge the purpose or reason for the \$350,000 being sent to the White House?

Mr. SLOAN. No sir, I do not.

Mr. DASH. Go to the next person, please.

Mr. SLOAN. Mr. Herbert Porter, who was a member of the staff of the Committee to Re-Elect the President. He was in charge of scheduling surrogates, speakers for the President, in place of the President. This \$100,000 covered a period probably starting in either December 1971 or January 1972. He had a blanket authority to draw cash funds from Mr. Magruder. He would come to me and indicate on various occasions, I need \$10,000, would you have it ready for me.

This \$100,000 is not a single disbursement. The increments of disbursement or distribution were probably in the range of \$10,000 to \$15,000 over a period of time, running up to April 7 and beyond. To the best of my recollection, I turned over approximately \$6,000 to Mr. Porter following the April 7 date, under my understanding that these were committee funds.

In that case, he—excuse me.

Mr. Porter, I understand from his testimony to the General Accounting Office, puts the figure higher, at \$11,000. So I say, this is from memory. I would not dispute his recollection. I believe he also recollects the total figure to be somewhat less.

I had instructions, and I forget from whom—possibly Mr. Magruder—that Mr. Porter would receive no further funds after April 7.

When Mr. Porter came to me with that request, I went to Mr. Stans. I asked him—I indicated to him that my clear understanding was that Mr. Porter would no longer receive any cash funds. He indicated to me at that time that that was his understanding as well, that he would take the matter up with Mr. Mitchell and let me know.

On his return, he indicated to me that I should continue making payments on request from Mr. Porter.

Mr. DASH. I think you have indicated that Mr. Porter had a blanket authority from Mr. Magruder and that later you checked or it was checked with Mr. Mitchell. Generally, who had the authority to approve your making cash payments to anybody?

Mr. SLOAN. In the earlier period, it would have been Mr. Kalmbach alone. He did not physically spend much time in Washington, D.C. He would be in and out every week or two. He would visit with Mr. Mitchell. At some point in time, fairly early, he indicated to me—and I believe that initially, it was with regard to all funds—that I was not to disburse any money without Mr. Mitchell's approval.

Mr. DASH. This is what period you are now talking about?

Mr. SLOAN. This would be prior to Mr. Mitchell leaving the Justice Department. It would be in probably the summer of 1971.

Mr. DASH. Did you check with Mr. Mitchell to get his approval on making cash payments?

Mr. SLOAN. What happened in this regard was essentially that I don't believe any cash payments came up before the authority issue was resolved. What had been done prior to my assuming the disbursement side of the campaign, going back to the Citizens Committee, when we first moved into the campaign, before there was a division of the finance and political arms of the campaign, Mr. Harry Flemming was handling the disbursement side and I was handling the receipt

Mr. STRACHAN. Well, I cannot take notes in the Executive Office Building, but my best recollection is that it was shortly after the June 30, 1971, talking paper.

Senator GURNEY. You testified that you prepared political memos daily, as I recall, from Mr. Haldeman and some of them were rather lengthy. Where did you get your information that went into these memos?

Mr. STRACHAN. The memorandums were not prepared daily. They would be prepared as frequently as once a week, usually once every 2 weeks, sometimes as late as once every 3 weeks, and I would get the information by talking to people on the White House staff who were politically active, such as Mr. Dean or Mr. Colson; people in the States, and particularly California, in which Mr. Haldeman had quite an interest; people at 1701.

Senator GURNEY. Who did you contact at the Committee To Re-Elect the President?

Mr. STRACHAN. I would try to contact many of the senior individuals personally.

Senator GURNEY. Who?

Mr. STRACHAN. Mr. Teeter for the polling information; Mr. Dailey, Mr. Joanou for advertising information; Mr. Flemming for reports on the field organization; Mr. Marik for reports on general research done in the campaign. There was a fellow in charge of direct mail, Bob Morgan.

Senator GURNEY. How about Magruder? Did you talk to him?

Mr. STRACHAN. Definitely.

Senator GURNEY. How often?

Mr. STRACHAN. Probably daily.

Senator GURNEY. What kind of information did he give you?

Mr. STRACHAN. Well, most memorandums submitted to Mr. Mitchell would be submitted through Mr. Magruder; that is, the memorandums to Mr. Mitchell would have Mr. Magruder's signature on them, and his office would be a funnel for much of the information, if they had decided that internal disputes had been resolved at 1701, to send copies of memorandums to me.

Senator GURNEY. How often did Magruder send you memorandums?

Mr. STRACHAN. I received packages of information from the committee daily.

Senator GURNEY. But your testimony is that he never told you anything about surveillance or wiretapping and bugging, is that correct?

Mr. STRACHAN. That is correct.

Senator GURNEY. The \$350,000—do I understand—I can't understand why this went to this Lilly. This was supposed to be used in the White House for polling or something in connection with the campaign. Why would you pick it up and then it be given to somebody who later gave it to somebody else? What was the point of that?

Mr. STRACHAN. Well, various pollsters who would conduct the polls for us would have to be paid and neither Mr. Butterfield nor I could go very far from the White House physically.

Senator GURNEY. Well, what about Lilly? Is he connected with the White House at all?

Mr. STRACHAN. No, he is not. He is a personal friend of Mr. Butterfield who could travel.

Senator GURNEY. Why would he, not connected with the White House at all, be given \$350,000 worth of money that was supposed to be used in this campaign in one way or another?

Mr. STRACHAN. Because he could take the cash to a polling organization in Princeton or if we conducted one in California, to the pollster in California.

Senator GURNEY. How many people were on the White House staff during this period of time?

Mr. STRACHAN. Well, there is quite an argument as to who is officially on the White House staff and who isn't. I would guess somewhere in the neighborhood of 400, but that is just a ballpark guess.

Senator GURNEY. Don't you think it would be possible to find one of these 400 who could have been entrusted with the custody of the \$350,000?

Mr. STRACHAN. Yes, and that was one of the alternatives posed to Mr. Haldeman in the memorandum.

Senator GURNEY. But why would it be given to somebody totally unconnected with the White House? That is a very large sum of money which would be used in this campaign.

Mr. STRACHAN. Well, Mr. Butterfield indicated that he had known the man for a long time, that he was able to travel and that he would be willing to accept the custody of the cash. Mr. Dean had indicated that neither he nor anyone that he could think of on the White House staff would be able to do it.

Senator GURNEY. You mean not one of those 400 would be able to have custody of this \$350,000?

Mr. STRACHAN. Well, I am not sure how many people Mr. Dean asked. He told me that he would not be able to arrange for the holding of the money fairly close to the campaign spending law enactment date, and so I scrambled for some alternatives to present to Mr. Haldeman.

Senator GURNEY. Was Mr. Liddy somebody—Lilly, I guess—somebody who constantly handled large sums of money in custody for other people?

Mr. STRACHAN. I don't know. I have never met the man.

Senator GURNEY. When the \$350,000 was returned, you had left the White House staff, hadn't you?

Mr. STRACHAN. That is correct.

Senator GURNEY. Why was it that you returned it and not somebody who was working at the White House then?

Mr. STRACHAN. It was just one of the matters that I had been asked to do before I left the White House staff that I hadn't wrapped up. It was like my functions with the Kennedy Center. I was Mr. Haldeman's staff man and I went to a meeting on his behalf in January, although I was off the White House staff. It was a matter—the last matter that I had not taken care of prior to leaving.

Senator GURNEY. Cleaning up pieces of business?

Mr. STRACHAN. That is correct.

Senator GURNEY. I don't have any further questions, Mr. Chairman.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much. I thank Senator Talmadge for letting me go out of sequence so I can take care of another matter shortly and then return to the committee.

wards, when Mr. Dean attended all these meetings over at the committee, he would be the one that would communicate this information to Mr. Haldeman if anybody did?

Mr. STRACHAN. That is correct, and I would guess that he would report directly rather than through me or one of his aides. But I didn't know that for a fact.

Mr. DASH. Now, did there come a time when you became aware of a transfer of \$350,000 from the Committee To Re-Elect the President to Mr. Haldeman or the White House under Mr. Haldeman's control?

Mr. STRACHAN. Yes. The subject had been discussed for a couple of months before that.

Mr. DASH. What time now are we talking about?

Mr. STRACHAN. This would be from December 1971 through April 1972. Mr. Haldeman—his office conducted extensive polling—and he told me at one point, when I was having discussions with Mr. Kalmbach, to make sure that we have an ample supply of cash to pay for these polls.

I talked with John Dean about it, tried to arrange for John Dean a method for holding the money. He eventually told me that he could not do it.

On April 6, I prepared a memorandum for Mr. Haldeman saying that we are going to get that money from the committee before the new finance law and we have to get it very soon; John Dean can't make arrangements. You have four other alternatives. He checked the one indicating that I should go and pick up the money.

Mr. DASH. Which one was that?

Mr. STRACHAN. Alex Butterfield had a friend who would hold the money. And I went and got the money, brought it back to Alex, and presumably—

Mr. DASH. When you say went and got the money, where did you go?

Mr. STRACHAN. I went over to 1701, to the Committee To Re-Elect the President, either Mr. Kalmbach's office or to Mr. Sloan's office.

Mr. DASH. Was this in cash?

Mr. STRACHAN. Yes, it was.

Mr. DASH. And you returned it back to the White House?

Mr. STRACHAN. That is correct.

Mr. DASH. You turned it over to Mr. Butterfield?

Mr. STRACHAN. Well, I eventually turned it over to him. I walked into his office and the two of us began counting it and he said he would get it to his friend.

Mr. DASH. Actually, what was that money for? Was that for the command or the disbursement of Mr. Haldeman?

Mr. STRACHAN. Pardon?

Mr. DASH. Was this money that was taken over to the White House and turned over to Mr. Butterfield and then to his friend, was the disbursement of that money really at the discretion of Mr. Haldeman?

Mr. STRACHAN. Definitely.

Mr. DASH. Now, did you become aware of the fact that any money was in fact spent from that \$350,000?

Mr. STRACHAN. Yes. Somewhere around the time of the Hanoi-Hai-phong bombing, Mr. Howard came to me and indicated that Mr. Colson had an approved advertisement—I believe it was under the ans-

pices of Tell It To Hanoi, but in any event, it concerned indicating public support for the bombing and mining decision. Mr. Howard said that Mr. Colson needed \$22,000 and I asked Mr. Haldeman if we should authorize that expenditure. He said yes, and the money was delivered.

Mr. DASH. Now, did there come a time when the \$350,000, or what was left of it, was returned to the Committee for the Re-Election of the President, or to a particular person there?

Mr. STRACHAN. Well, we should back up a little, I think. After the election, I got the money back from Mr. Butterfield and——

Mr. DASH. Why did you get it back from Mr. Butterfield after the election?

Mr. STRACHAN. Because Mr. Haldeman had told me to return the money to the committee.

Mr. DASH. Then what happened?

Mr. STRACHAN. Then John Dean told me that he wanted to have the \$350,000 intact and Fred Fielding gave me \$22,000, which I placed with the \$320,000——

Mr. DASH. Well, let's back up a bit here. You said John Dean told you he wanted the \$350,000 intact. Was there any specific incident or event at that time when Mr. Dean communicated that to you?

Mr. STRACHAN. Yes.

Mr. Dean had told me. Chapin and me that Earl Silbert from the prosecutor's office wanted to interview us and that that interview was scheduled on November 28, and Mr. Dean indicated that one of the questions might be whether or not the \$350,000 was in fact intact.

Mr. DASH. All right, now. You said Mr. Fielding brought back the \$22,000.

Do you know where Mr. Fielding obtained that \$22,000?

Mr. STRACHAN. Well, I assumed at the time that he had received it from Mr. Stans. I have read his deposition. I don't personally know where he got the money.

Mr. DASH. Were you aware at any time that Mr. Dean had received any large sum of money, specifically around \$15,200, from the unspent amount of the \$22,000 that had originally been taken out of the \$350,000?

Mr. STRACHAN. Yes, there is some confusion as to that amount. Dick Howard and I did go to John Dean's office and give him some cash in an envelope. I don't think any of the three of us counted it. I always thought it was \$7,000, but either \$7,000 was spent on the ads and \$15,000 was left, or \$15,000 was spent on the ads and \$7,000 was left.

Mr. DASH. I think we have Mr. Dean's testimony that he at least received \$15,200, and I take it that it would be in his interest to have given a lesser sum, so——

Mr. STRACHAN. Oh, I wouldn't dispute Mr. Dean's account, for sure.

Mr. DASH. So I take it he did receive \$15,200.

Can you tell us why you brought this balance or this amount back to Mr. Dean when it had been taken originally from the \$350,000 pot?

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Mr. KALMBACH. Yes, sir.

Mr. DASH. Could you describe the nature of that contact or any assignments that you gave Gordon Liddy?

Mr. KALMBACH. As best as I can recall, Mr. Dash, my first acquaintance with Mr. Liddy was in the latter part of March, although I think I had lunch with others, with Mr. Liddy in January, when I first met him, and the first time that I had really worked with him was in the latter part of March when he came aboard the finance committee as counsel to the committee.

In my position as associate chairman I gave him several assignments asking for legal opinions and the like, and I can recall one or two trips that I asked him to take, to contact attorneys for contributors to help in legal problems.

Mr. DASH. You had no contact with him or any relationship with him on any intelligence or fact-gathering operations?

Mr. KALMBACH. No, sir.

Mr. DASH. Now, did you give Mr. Stans an advance on his expenses in February 1972?

Mr. KALMBACH. Yes, sir.

Mr. DASH. How much?

Mr. KALMBACH. I gave him \$50,000.

Mr. DASH. Why did you give him that?

Mr. KALMBACH. I beg your pardon?

Mr. DASH. Why did you give him that? Why?

Mr. KALMBACH. Mr. Stans had come to me and asked me for these funds as an advance for personal expenses for the forthcoming campaign.

Mr. DASH. Was a receipt given to you for that?

Mr. KALMBACH. No, sir.

Mr. DASH. Now, are you aware of the transaction whereby \$350,000 left the Committee for the Re-Election of the President, the finance committee, and went over to the White House?

Mr. KALMBACH. I am.

Mr. DASH. Can you tell us briefly of your own knowledge how that took place?

Mr. KALMBACH. About the last part, the last week in March or very early in the first few days of April, and I am not certain, I was called by Mr. Higby from the White House and was asked as to how much cash would be available for transfer to the White House. I then checked with Mr. Sloan. I called Mr. Higby back and told him that I had found there was \$350,000 in cash in Mr. Sloan's safe that would be available.

Then Mr. Higby—I think there were one or two additional calls back and forth and it is my recollection that Mr. Higby then called and informed me that Mr. Strachan would come over to the finance committee and pick up the \$350,000 that afternoon. And again, this was within a week of April 7 or thereabouts.

I then spoke to Mr. Sloan and asked Mr. Sloan to give me the funds in time for the pickup by Mr. Strachan, which he did. And as I best remember it, Mr. Dash, the funds were put in my office in the finance committee. Mr. Strachan came over at 1:30 or 2 in the afternoon—I am not certain—and picked up the briefcase from my office and then left the office.

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Mr. DASH. These funds were all in cash?

Mr. KALMBACH. Yes, sir, they were.

Mr. DASH. Do you know the denomination of the bills that went over?

Mr. KALMBACH. No, sir, I do not.

Mr. DASH. Now, you mentioned Mr. Higby and Mr. Strachan. You are aware that Mr. Higby and Mr. Strachan are both assistants of Mr. Haldeman?

Mr. KALMBACH. I am.

Mr. DASH. And you know that they could have been—

Mr. KALMBACH. Yes, sir.

Mr. DASH. Do you know why the request, why the \$350,000 was needed?

Was any information given to you?

Mr. KALMBACH. I am not certain, Mr. Dash, that it was expressed to me, the purpose. But I know that it was my assumption, and it may have been expressed to me, but it was my assumption that it would be used for polling purposes.

Mr. DASH. When did this take place?

Mr. KALMBACH. I would think within 7 days of April 7, 1972.

Mr. DASH. Now, following this, Mr. Kalmbach, the break-in at the Watergate on June 17, did you receive a call from Mr. Stans asking you to come to Washington? Shortly after that period?

Mr. KALMBACH. Excuse me, Mr. Dash. Would you repeat that question?

Mr. DASH. I said following the break-in at the Watergate, which took place on June 17, sometime after that period, did you receive a call from Mr. Stans to come to Washington from California?

Mr. KALMBACH. Yes, my recollection is that I received a call from Mr. Stans, probably early in the week, the 20th or thereabouts, to come to Washington and to meet with Mr. Sloan to reconcile my cash records. There was no reference at all to the Watergate break-in.

Mr. DASH. Now, did you report to Mr. Stans after that meeting?

Mr. KALMBACH. Yes, I did.

Mr. DASH. What, if anything, did you say to Mr. Stans?

Mr. KALMBACH. I just informed him that I had met with Mr. Sloan and that we were in agreement on the cash records, and he said, fine, and as far as he was concerned, I was discharged from that responsibility and my accounts had balanced.

Mr. DASH. Did you destroy any records after that meeting with Mr. Sloan?

Mr. KALMBACH. Yes, I did. I destroyed my own personal cash records, knowing that the original record was in the finance office.

Mr. DASH. Now, on your visit to Washington on June 21 or June 22, did you discuss the Watergate break-in with anybody? That was right after that period of time?

Mr. KALMBACH. No, other than in casual conversation, I can't recall that I did, Mr. Dash.

Mr. DASH. Wasn't that a kind of topic of conversation over at the committee?

Mr. KALMBACH. It was, but other than just being a very major news item, that was the extent of it. I didn't discuss it beyond that.

Mr. DASH. It was a major news item especially with relation to the committee, was it not?

6. Prior to March 30, 1972 Charles Colson, Special Counsel to the President, met with Gordon Liddy and Howard Hunt, a White House consultant who had served with Liddy in the "Plumbers" unit. During the meeting Colson telephoned Jeb Magruder. Colson has stated that he urged Magruder "to resolve whatever it was Hunt and Liddy wanted to do and to be sure he had an opportunity to listen to their plans."

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6.2 Charles Colson memorandum for the file, June 20, 1972 (received from SSC).....	104
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Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R. I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified 5 days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

THE SPECIAL INVESTIGATIONS UNIT

On Sunday, June 13, 1971, The New York Times published the first installment of what came to be known as "The Pentagon Papers." Not until a few hours before publication did any responsible Government official know that they had been stolen. Most officials did not know they existed. No senior official of the Government had read them or knew with certainty what they contained.

All the Government knew, at first, was that the papers comprised 47 volumes and some 7,000 pages, which had been taken from the most sensitive files of the Departments of State and Defense and the CIA, covering military and diplomatic moves in a war that was still going on.

Moreover, a majority of the documents published with the first three installments in The Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions.

Therefore during the week following the Pentagon Papers publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman, and Dean.

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam war, on which the Government's records were inadequate (many previous

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June 20, 1972

MEMORANDUM FOR THE FILE

SUBJECT: Howard Hunt

The last time that I recall meeting with Howard Hunt was mid-March. According to my office records, the date was March 15. At that time I was under the impression that Hunt had left the White House and was working at the Committee for the Re-election of the President.

I may have seen Hunt once or even possibly twice subsequent to that time. These were (or this was), however, a chance encounter. I do recall seeing him outside of my office during a day this Spring; I recall inquiring about his health since he had told me in March he had bleeding ulcers. During the brief conversation in the corridor, nothing was discussed of any of Hunt's work or his areas of responsibility. As I recall, he merely told me that he had been very busy and that after getting some rest, his health had been restored.

I also talked to him on the telephone the night Governor Wallace was shot simply to ask him for his reactions on what he thought might have been the cause of the attempted assassination. (Hunt was known of something of an expert of psychological warfare and motivations when in the CIA.)

The only other communication I can recall subsequent to March 15 was a memo I sent to Howard in connection with what I thought his duties were at 1701, i.e. security at the Republican Convention. Steve Bull told me he had a friend in Miami who had been stationed in the White House but was now in the Miami office of the Secret Service who wanted to be of help to whoever was handling security for the convention. I merely sent Hunt a note suggesting that he get in touch with Bull's friend.

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To the best of my recollection, Hunt came to me during the month of January and said he had no work to do here and no one was giving him any assignments and that this was the only campaign year he would ever probably have a chance to participate in, that he cared only about one thing, the re-election of the President, and that he wanted to be of help in any way he could, for pay or not for pay. I told him I had nothing in my office, but that I thought once the Committee was organized and Mitchell was in charge, there would be work for him to do at the Committee. I told him that I would be sure the Committee was aware of his desire to help. I did nothing further.

A few weeks later Hunt dropped by my office with Gordon Liddy, from the Committee. I believe this was in February, possibly early in the month, although my office records do not show the visit. Hunt said he was in the building and just wanted to talk briefly. Both he and Liddy said that they had some elaborate proposals prepared for security activities for the Committee, but they had been unable to get approval from the Attorney General. I explained that Mitchell would soon be at the Committee and that they should be persistent and see him because he was the only one who could authorize work they would be doing. I have a vague recollection that Liddy said, "We [referring to Hunt and himself] are now over at the Committee working and we are anxious to get started but can't find anyone who can make a decision or give us the green light" or words to that effect. While Liddy and Hunt were in my office, I called Jeb Magruder and urged them to resolve whatever it was that Hunt and Liddy wanted to do and to be sure he had an opportunity to listen to their plans. At one point, Hunt said he wanted to fill me in and I said it wasn't necessary because it was of no concern to me, but that I would be glad to urge that their proposals, whatever they were, be considered. There was no discussion that I can recall of what it was that they were planning to do other than the fact that I have the distinct impression that it involved security at the convention and/or gathering intelligence during the Democratic National Convention.

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From time to time after Hunt had come on board, he did talk to me, normally to express his frustrations in being unable to get things through the David Young operation. Of course, on occasion also we talked socially and about politics, something Howard and I had done from time to time over the years.

Charles W. Colson

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Charles W. Colson

the overall plan, has any relevance to your recent testimony before the executive session or before this committee?

MR. SACHS. I am a little troubled, Mr. Dash, by your use of the word "relevance."

MR. DASH. Why?

MR. SACHS. You might want to ask me that.

MR. DASH. I will put the question more directly, Mr. Hunt.

Are you now giving us your best recollection of what truthfully transpired in January as opposed to what you were telling us earlier during the period of interrogation?

MR. HUNT. Yes.

Senator BAKER. Mr. Chairman, I am not clear. I got lost about 10 minutes ago.

Is the burden of the query that Mr. Hunt is now giving us information for the first time and only recently gave it to us in executive session as distinguished from his earlier appearances in executive session by reason of or connected with the fact that he is attempting to change his plea from guilty to not guilty?

MR. DASH. Yes.

Senator BAKER. Is there any implication in counsel's question that the two are not inconsistent, but rather that this is additional information that may have bearing on the application of Mr. Hunt to change his plea?

MR. DASH. The last question I put to Mr. Hunt, and perhaps he can answer it is: Is there any motivation on your part to give us this more recent testimony concerning Mr. Colson's awareness of the plan connected in any way to your motion to withdraw your plea of guilty?

MR. HUNT. No, sir; and if I may consult with counsel, there is another point I would like to make pertinent to this.

I would like to add, Mr. Dash, that my legal position vis-a-vis the motion does not depend upon Mr. Colson's knowledge or nonknowledge at that time.

MR. DASH. All right. Now, Mr. Hunt, after the February 4 meeting that Mr. Liddy had with the former Attorney General in which there was another turndown on the so-called Liddy plan, did Mr. Liddy ask you to introduce him to Mr. Colson?

MR. HUNT. He did.

MR. DASH. What reasons did he give you for this?

MR. HUNT. He indicated to me that, first of all, he admired Chuck Colson as a man who got things done. He expressed his own desire for a substantial position in the forthcoming administration. He indicated to me that inasmuch as John Mitchell would be leaving the administration and he, Liddy, was known and identified as a Mitchell man, that Mr. Liddy would like to touch base with Mr. Colson, who would be staying on in the administration at least through the election, and so have another power base, as it were, on which he could depend at such time as—

MR. DASH. Did you arrange such a meeting?

MR. HUNT. I did.

MR. DASH. And do you know when that, approximately, took place?

MR. HUNT. No, sir.

MR. DASH. But do you recall it was in the month of February?

MR. HUNT. May I consult my notes, Mr. Dash?

I would relate it to the phone call concerning which Mr. Magruder has already given testimony.

Mr. DASH. All right, now, did you introduce Mr. Liddy to Mr. Colson?

Mr. HUNT. I did.

Mr. DASH. After you did, what did you do?

Mr. HUNT. I withdrew to the back of the room and sat, smoked my pipe, leafed through a magazine while Mr. Liddy conversed with Mr. Colson.

Mr. DASH. Why did you withdraw to the back of the room?

Mr. HUNT. Mr. Liddy having given me the preamble, the reasons for his desire to meet Mr. Colson, I felt that it was a personal matter and did not want to involve myself or interpose myself in any way.

Mr. DASH. How long did the meeting take place?

Mr. HUNT. Approximately 10 or 12 minutes.

Mr. DASH. Did you observe Mr. Colson use the telephone during that meeting?

Mr. HUNT. On several occasions.

Mr. DASH. After the meeting, did you have a conversation with Mr. Liddy?

Mr. HUNT. I did.

Mr. DASH. What did Mr. Liddy tell you?

Mr. HUNT. He said, "I think I may have done us some good."

Mr. DASH. At that time what was your interpretation of that message?

Mr. HUNT. I realized that he had been speaking with Mr. Colson about the Gemstone operation.

Mr. DASH. Why did you draw that interpretation from the statement, "I think I have done us some good"?

Mr. HUNT. Because that was the only common subject concerning which he could have done us any good.

Mr. DASH. All right.

Now, the committee has already heard testimony from Mr. Magruder that while you were in Mr. Colson's office Mr. Colson telephoned Mr. Magruder and urged him, "to get off the stick and get the budget approved for Mr. Liddy's plans."

Now, what plans of Mr. Liddy could Mr. Colson have been referring to at that time?

Mr. HUNT. It could only have been the Gemstone concept.

Mr. DASH. Why do you say that?

Mr. HUNT. That was the only one that was under consideration.

Mr. DASH. During part of this period, Mr. Hunt, when you were working for Mr. Liddy between December 1971 and March 1972, did you receive any other assignments from Mr. Liddy for political espionage against Democratic candidates for the Presidency? Specifically did you have a dealing with a person known to you as Fat Jack?

Mr. HUNT. Yes, sir.

Mr. DASH. Could you describe how these dealings took place and what the assignment was?

Mr. HUNT. There came a time when Mr. Liddy asked me as an accommodation to meet with a gentleman who was handling an agent inside Muskie headquarters. He described the gentleman's physical

Mr. LaRUE. Yes, sir, I raised the question and speculated with Mr. Magruder on several occasions as to how this came about.

Mr. DASH. Well, then, it is not true that you did not talk to him until March or April but that you discussed this actually during the months of June, July, or August 1972?

Mr. LaRUE. After the break-in, yes, sir.

Mr. DASH. And what did Mr. Magruder say to you when you discussed this with him about his role or his participation in the break-in?

Mr. LaRUE. Mr. Magruder's conversations with me were reflected in his testimony up here. He told me virtually—told me the same thing that he testified to before this committee as to his role in the break-in.

Mr. DASH. In other words, he made a complete confession to you?

Mr. LaRUE. Yes, sir.

Mr. DASH. Do you know when was the first time he did that? Approximately? I do not want to push you to a date.

Mr. LaRUE. I have no specific recollection of dates, Mr. Dash, but I would say in the period of a week or 10 days after the break-in.

Mr. DASH. And did he not, Mr. LaRue, tell you about a phone call that he received from Mr. Colson concerning the so-called Liddy plan?

Mr. LaRUE. Yes, sir.

Mr. DASH. Could you tell us what he told you about that phone call?

Mr. LaRUE. As I recall, Mr. Dash, this conversation occurred as a result of speculation that Magruder and I were having on who may be involved or who may have had knowledge of the Watergate break-in. He told me that he had had a call from Mr. Colson, I think sometime in the period of March or April, in which Mr. Colson had asked Mr. Magruder why they could not get an approval on the Liddy budget.

Mr. DASH. Did he tell you then or remind you that he understood that you were present at his side, in the room, when he received the phone call from Mr. Colson?

Mr. LaRUE. I do not recall any such discussion, no, sir.

Mr. DASH. You know of his testimony before this committee, in which he has testified that you were in the room?

Mr. LaRUE. Yes, sir, I am aware of that. My recollection is as I have just stated.

Mr. DASH. Now, when you state that Mr. Magruder told you everything, it was about a week or so after the break-in. Was anybody else present when he said that to you or told you about this?

Mr. LaRUE. Not that I recall. As I recall, it had been a discussion between just Mr. Magruder and I.

Mr. DASH. Now, Mr. LaRue, when and where did you actually first hear about the June 17 break-in matter?

Mr. LaRUE. At the Beverly Hills Hotel in Los Angeles, Calif.

Mr. DASH. Were you with anybody else at that time?

Mr. LaRUE. Yes, sir, we were on a trip. Present were Mr. Mitchell, Mr. Magruder, Mr. Mardian, Mr. Porter, I think Mr. Caldera from the committee. I mean these were the people who were present from the reelection committee.

Mr. DASH. Now, can you tell the committee as clearly as you can recall, how that news came to you, who first learned about it and how you learned about it, and what was done?

Mr. LaRUE. As I recall, Mr. Dash, we were having breakfast on—I think Saturday morning—I guess that would be June 17. Mr. Magruder was paged, went to the telephone. He came back to the table

Mr. MAGRUDER. He indicated that Mr. Hunt had completed his assignments at the White House, and since we were now engaged in intelligence activities, he thought I would find Mr. Hunt very valuable. I only met Mr. Hunt once, so I was not really quite sure in what terms he would be valuable. So I indicated to Mr. Howard that he should refer Mr. Hunt to Mr. Liddy and that Mr. Liddy would employ him. I did not know at that time that he and Mr. Liddy had worked together before.

Mr. DASH. Now, also concerning this altercation you had with Mr. Liddy and your decision to terminate his employment, did you receive any communication from any other person from the White House concerning Mr. Liddy?

Mr. MAGRUDER. Yes, evidently Mr. Liddy, after he left my office, went and saw Mr. Dean and then Mr. Strachan. I received a call from Mr. Dean encouraging me not to become personally concerned about Mr. Liddy, that I should not let my personal animosity and his get in the way of the project. And then I went over to the White House and was working with Mr. Strachan on normal campaign matters, and he brought up the same subject and, as we walked back to the committee—it was a Friday afternoon, I recall, and it was raining—he indicated that although he had the same personal difficulties with Mr. Liddy, that probably Mr. Liddy was quite professional in this intelligence gathering, and we should retain him in this area.

Mr. DASH. Did Mr. Egil Krogh ever talk to you concerning either Mr. Liddy or Mr. Hunt?

Mr. MAGRUDER. Mr. Krogh did talk to me about Mr. Liddy, and mentioned to me a number of times we should keep tight control over him but he was very effective.

Mr. DASH. Did you know at any time of Mr. McCord's participation in Mr. Liddy's plan?

Mr. MAGRUDER. No.

Mr. DASH. After the February 4 meeting in Mr. Mitchell's office, when the plan was not still approved, did there come a time when anyone else at the White House urged you to get the Liddy plan approved?

Mr. MAGRUDER. Yes. Mr. Charles Colson called me one evening and asked me, in a sense, would we get off the stick and get the budget approved for Mr. Liddy's plans, that we needed information, particularly on Mr. O'Brien. He did not mention, I want to make clear, anything relating to wiretapping or espionage at that time.

Mr. DASH. But in that discussion, did you get the impression yourself that he knew what the Liddy plan was?

Mr. MAGRUDER. Again I want to be careful. I knew Mr. Hunt was a close friend of Mr. Colson's, he had been referred to me earlier by Mr. Colson. I did make the assumption that he did know but he did not say that he did know but he did not say that he was aware of the specifics and never did say that to me at any time.

Mr. DASH. Would Mr. Colson be one of those persons who would be in line of communication to whatever Mr. Strachan was communicating to the White House?

Mr. MAGRUDER. I think Mr. Strachan worked closely with Mr. Colson, but his line of command was through Mr. Haldeman.

Mr. DASH. Was anybody present when you received that telephone call from Mr. Colson?

Mr. MAGRUDER. Mr. LaRue was.

Mr. DASH. Were there any further contacts that you had with Mr. Colson's assistant, concerning the call that Mr. Colson made to you?

Mr. MAGRUDER. Mr. Howard and I were fairly good friends. He had worked for me at the White House, and a number of times we discussed the general intelligence-gathering situation, and he did indicate what he thought was the professionalism, particularly of Mr. Hunt, and the need to gather this information. But I would like to make it clear there was a general, I think, atmosphere in the White House and the committee of the need to gather information. This was not necessarily information that would be gathered illegally.

Mr. DASH. Were Mr. Howard's discussions with you also urging you to try to pursue the Liddy plan?

Mr. MAGRUDER. Yes.

Mr. DASH. Now, did there come a time when you had a third and final meeting with Mr. Mitchell on the Liddy plan, on or about March 30, 1972?

Mr. MAGRUDER. Yes, we had. There had been a delay in the decision-making process at the committee because of the ITT hearings. Mr. Mitchell was on vacation at Key Biscayne. I went down to Key Biscayne, Mr. LaRue was there, and we met and went over approximately 30-some decision papers mainly relating to direct mail and advertising, the other parts of the campaign.

The last topic we discussed was the final proposal of Mr. Liddy's which was for approximately \$250,000. We discussed it, brought up again the pros and cons. I think I can honestly say that no one was particularly overwhelmed with the project. But I think we felt that the information could be useful, and Mr. Mitchell agreed to approve the project, and I then notified the parties of Mr. Mitchell's approval.

Mr. DASH. What was the form, by the way, of the memorandum or decision paper that was presented to Mr. Mitchell at this meeting?

Mr. MAGRUDER. It was unlike our normal decision process where we had an "approved, disapproved, comment" line at the bottom. It was simply the same 8½ x 11 blank sheets typed up with the basics of the plan, the number of people he would have to hire, the number of electronic surveillance equipment and amounts he would have to purchase, and so on, and I used a system which I think Mr. Reisner has discussed where I made three copies of each document that I would discuss with Mr. Mitchell, one copy went to Mr. Strachan for Mr. Haldeman.

The other two copies I brought with me to Key Biscayne, I gave Mr. Mitchell the one copy, he did some markup on some of it, I cannot recall what he marked on these papers, indicated his approval, did not indicate it in any formal sense by initialing it or writing. Just indicated the project was approved.

Mr. DASH. Now, on the project prior to going down to Key Biscayne you would send over a copy to Mr. Strachan?

Mr. MAGRUDER. My formal position with Mr. Mitchell was we would send over key papers before we discussed it with Mr. Mitchell, so if there was any questions in those papers Mr. Haldeman or Mr. Strachan could get back to us their opinion on a subject.

7. On March 30, 1972 former Attorney General John Mitchell, who had been officially designated CRP Campaign Director; Jeb Magruder, Mitchell's chief of staff; and Fred LaRue, a special assistant to Mitchell, met at Key Biscayne, Florida to discuss campaign matters. Liddy's intelligence-gathering plan, now budgeted for \$250,000, was again discussed. Magruder has testified that Mitchell approved the plan, and that the plan specifically approved entry into the DNC headquarters and, if funds were available, entry into the headquarters of presidential contenders and Democratic convention headquarters at the Fontainebleau Hotel in Miami. LaRue has testified that Mitchell stated that they did not have to do anything on the plan at that time. Mitchell has testified that he rejected the plan. After the March 30, 1972 meeting, Magruder asked his assistant, Robert Reisner, to tell Liddy that his proposal had been approved. Reisner telephoned Liddy and conveyed Magruder's message.

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Mr. DASH. All right.

Now, this quarter-million-dollar project you say Mr. Mitchell approved in Key Biscayne, what was that project specifically as you recall?

Mr. MAGRUDER. It was specifically approved for initial entry into the Democratic National Committee headquarters in Washington, and that at a further date if the funds were available we would consider entry into the Presidential contenders' headquarters and also potential at the Fontainebleau Hotel in Miami.

Mr. DASH. When you returned to Washington, Mr. Magruder, did you communicate to anyone that the Liddy plan on the quarter million dollar budget was approved?

Mr. MAGRUDER. Yes, I attempted to reach Mr. Liddy while I was at Key Biscayne because he had indicated time problems. I was unable to do so, so when I came back to Washington I indicated to Mr. Reisner that Mr. Liddy's project had been approved and would he notify Mr. Liddy? I called Mr. Strachan and indicated to him that the project had been approved, and I indicated to Mr. Sloan that Mr. Liddy would be authorized to draw \$250,000 over the entire period of the campaign but that he probably would need a sizable amount of that initially.

Mr. DASH. Now, when you say that project as approved included the entry of the Democratic National Committee headquarters and perhaps other entries, did that also include the use of electronic surveillance or bugging?

Mr. MAGRUDER. I am sorry?

Mr. DASH. When you said the project that was approved in Key Biscayne—

Mr. MAGRUDER. With Mr. Strachan I discussed it in detail.

Mr. DASH. I am not referring to Mr. Strachan but the project Mr. Mitchell approved in Key Biscayne. I think you said the project included an approval of the entry into the Democratic National Committee headquarters. Did it also include use of electronic surveillance and bugging?

Mr. MAGRUDER. It included electronic surveillance and photography of documents, photographing of documents.

Mr. DASH. Mr. Sloan was told what?

Mr. MAGRUDER. That Mr. Liddy was allowed to draw \$250,000.

Mr. DASH. But Mr. Strachan was given a fairly complete report on what was approved.

Mr. MAGRUDER. Yes.

Mr. DASH. Do you recall Mr. Sloan questioning an initial large sum of money, \$83,000 which Mr. Liddy requested after the approval of the plan?

Mr. MAGRUDER. Yes.

Mr. DASH. Could you tell us what happened and how that was resolved?

Mr. MAGRUDER. Well, he had called me and said that Mr. Liddy wanted a substantial sum at that time, I did not recall the amount, but Mr. Sloan indicates it is \$83,000 and I would assume he is correct. I indicated that Mr. Liddy did have that approval. Mr. Sloan evidently then went to Mr. Stans. Mr. Stans went to Mr. Mitchell. Mr. Mitchell came back to me and said why did Gordon need this much money and I explained to him this was in effect front-end money that he needed

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Mr. LaRUE. No; I did not. It was my understanding that Mr. Liddy was working on some intelligence activities, my understanding was, in connection with the Republican Convention that was to be held in San Diego.

Mr. DASH. Were you aware that Mr. Liddy was receiving sums of money from the Republican campaign?

Mr. LaRUE. No, sir.

[Disturbance in audience.]

Mr. DASH. Neither my question nor your answer accomplished that, I am sure.

Now, you were not aware then from your testimony that Mr. Liddy was involved in any intelligence plan or planning than the one you have just testified to with relationship to the convention?

Mr. LaRUE. That is correct.

Mr. DASH. What brought you to Key Biscayne at the end of March, I take it, it was around March 29. When did you go to Key Biscayne?

Mr. LaRUE. As I recall, March 22 or March 23.

Mr. DASH. What was the reason for your going?

Mr. LaRUE. Accompanied the Mitchells on a vacation.

Mr. DASH. You said you arrived around the 22nd?

Mr. LaRUE. March 22 or March 23, as I recall.

Mr. DASH. All right; who else was there?

Mr. LaRUE. Mr. and Mrs. Mitchell, their daughter, Miss Forzberg, Mrs. Mitchell's secretary, Mr. Caulfield, who was Mr. Mitchell's security man. Later on we were joined by Mr. Tom Wentz, who was another security man and myself.

Mr. DASH. Did Mr. Jeb Magruder come down to Key Biscayne around that time?

Mr. LaRUE. Yes, sir, it was later, several days later, as I recall, March 29.

Mr. DASH. Do you know what the purpose of Mr. Magruder's visit to Key Biscayne was about?

Mr. LaRUE. Yes, sir, I do. Mr. Magruder and Mr. Flemming came down to Key Biscayne to discuss several political problems, and to discuss with Mr. Mitchell several activities that needed decisions made relating to the campaign.

Mr. DASH. Were you present when the so-called agenda items were being discussed between Mr. Magruder, Mr. Mitchell took place?

Mr. LaRUE. Yes, sir.

Mr. DASH. How many were there?

Mr. LaRUE. I can't recall any specific number. Mr. Dash.

Mr. DASH. Was it a large number?

Mr. LaRUE. Yes, sir.

Mr. DASH. Now, prior to the actual meeting in which the agenda items were discussed, were you given a copy of any of these agenda items?

Mr. LaRUE. Yes, sir, I was given—I requested a copy of all of them.

Mr. DASH. All right. Was any particular one of interest to you?

Mr. LaRUE. Yes, sir. In reviewing the items—priorityizing them for the meeting the next day, I ran across a paper which discussed or outlined a plan of electronic surveillance. There was a budget attached to this.

Mr. DASH. Who gave you that, those agenda items?

Mr. LaRUE. Mr. Magruder.

Mr. DASH. Now could you describe in as much detail as you can the discussions concerning the political intelligence plan? Did you know it was Mr. Liddy's plan? Did you know that that plan was being proposed by Mr. Liddy?

Mr. LaRUE. As I recall there was no reference to Mr. Liddy.

Mr. DASH. When did actually Mr. Magruder and Mr. Mitchell arrive at the discussion of that plan? Was it at the beginning or the end?

Mr. LaRUE. This was at the end of the meeting because I had placed this paper at the bottom of the list of proposals that would be discussed.

Mr. DASH. Why did you do that?

Mr. LaRUE. Well, there were actually two reasons, Mr. Dash. We did not know if we were going to finish, if we had enough time to finish a discussion on all of these proposals during this meeting. I had, as I indicated, had put them in what I considered priority order and I placed this on the bottom. I discussed this with Mr. Magruder that morning and also indicated to him that I would prefer that the discussion of that paper, if we got to it, would be only in the presence of he, Mr. Mitchell, and myself and that we find some way to excuse Harry Flemming from the meeting.

Mr. DASH. Did you find any way to excuse Harry Flemming from the meeting?

Mr. LaRUE. Yes, sir.

Mr. DASH. So he left?

Mr. LaRUE. Yes, sir.

Mr. DASH. And there did come a time when you did begin to discuss the so-called intelligence plan?

Mr. LaRUE. Yes, sir.

Mr. DASH. Do you recall the budget on that plan?

Mr. LaRUE. Pardon me?

Mr. DASH. Do you recall the budget on that plan?

Mr. LaRUE. There was a budget attached to that plan; yes, sir.

Mr. DASH. Do you recall the amount of that budget?

Mr. LaRUE. No specific amount—to the best of my recollection, it was several hundred thousand.

Mr. DASH. Would a quarter million, \$250,000 be the figure?

Mr. LaRUE. I have no specific recollection of that.

Mr. DASH. All right. Could you tell us once that plan was being presented what took place? What did Mr. Mitchell say, what did you say, what did Mr. Magruder say?

Mr. LaRUE. As I recall, Mr. Dash. Mr. Magruder, as in the previous proposals, handed this paper to Mr. Mitchell. Mr. Mitchell read it, he asked me if I had read it and I told him I had. He asked me what I thought of it and I told him I did not think it was worth the risk.

Mr. DASH. What did Mr. Mitchell say to that?

Mr. LaRUE. Mr. Mitchell, to the best of my recollection, said something to the effect that, "Well, this is not something that will have to be decided at this meeting."

Mr. DASH. All right. To your recollection then, Mr. Mitchell did not reject that plan out of hand at that time, did he?

Mr. LaRUE. Not to my recollection; no sir.

Mr. DASH. Now, do you know when Mr. Magruder left Key Biscayne?

Mr. LaRUE. As I recall this meeting was on March 30, and to the best of my recollection, he left the following day.

Mr. DASH. And therefore there was ample opportunity for Mr. Magruder and Mr. Mitchell to meet together, was there not, between the time that this plan was being discussed in your presence and the time Mr. Magruder left?

Mr. LaRUE. Well, I can't state that there was ample opportunity, no sir. That would not be a correct statement, Mr. Dash, because Mr. Magruder left the house in which we were staying, as I recall, you know, sometime shortly after that meeting, and I don't recall Mr. Magruder returning to the house during the time he was in Key Biscayne, and I was at the house all during this time.

Mr. DASH. Do you recall Mr. Mitchell leaving the house?

Mr. LaRUE. I do not; no, sir.

Mr. DASH. Would it be possible that he did?

Mr. LaRUE. It would certainly be possible, I guess, Mr. Dash, but I have no recollection.

Mr. DASH. Now, during the time that they were in the house together and with you during the meeting, were you in the room at all times?

Mr. LaRUE. I could not state definitely that I was in the room at all times, no, sir.

Mr. DASH. You could not state it. As a matter of fact it is quite possible that you were out of the room at certain times.

Mr. LaRUE. That is a possibility. I have no recollection of that.

Mr. DASH. It is also possible, is it not, that you were on the telephone a number of times?

Mr. LaRUE. Pardon me.

Mr. DASH. It is also possible, is it not, that you were on the telephone a number of times?

Mr. LaRUE. Yes, sir. However, I would like to state now that there were telephones in the room in which we were holding the meeting.

Mr. DASH. And, therefore, Mr. LaRUE, would it be fair to say that you could not state to this committee that at no time while Mr. Magruder was meeting with Mr. Mitchell in Key Biscayne he did not get some indication of approval from Mr. Mitchell concerning this plan?

Mr. LaRUE. Mr. Dash, I am sorry, I didn't hear your question.

Mr. DASH. Would it be fair, Mr. LaRue to state that you cannot, from your own recollection, tell this committee that at no time while Mr. Magruder was meeting with Mr. Mitchell, in Key Biscayne, that Mr. Mitchell did not approve the so-called Liddy plan or this intelligence plan?

Mr. LaRUE. Mr. Dash, I am very sorry, I still don't know if I understand your question.

Mr. DASH. Let me try to simplify that question. I am just trying to have you state to the committee whether you, of your own knowledge, can state to the committee that at no time during the time when Mr. Magruder was down at Key Biscayne that Mr. Mitchell approved or disapproved that intelligence plan.

Mr. LaRUE. That is correct.

you come from a State like the State of Mississippi, where they have great faith in the fact that the laws of God are embodied in the King James version of the Bible, and I think that those who participated in this effort to nullify the laws of man and the laws of God overlooked one of the laws of God which is set forth in the seventh verse of the sixth chapter of Galatians:

Be not deceived. God is not mocked; for whatsoever a man soweth, that shall he also reap.

[Applause.]

Mr. DASH. Mr. Chairman, whatever few mundane questions I might have to follow up I don't believe I really need to ask, and I think the record is complete. I have no further questions.

Senator BAKER. Mr. Chairman, I can't resist the temptation. [Laughter.]

I have already been cautioned that my analogy to the revised standard version instead of the King James version may be controversial, so I will refrain from that.

But I might just say, Mr. Chairman, that, as we have with other witnesses, I want to thank Mr. LaRue for his testimony. I think it is unique. I think it is useful. I think it is important. I think that it is in conflict and in corroboration with other testimony that we have received. At some point, the committee will have to turn its attention, presumably, to the matter of weighing the evidence, if we can't reconcile those conflicts, in deciding where the truth lies. We will turn to whatever sources of information we can receive or gain access to in that respect.

But I think we ought to conclude with this witness as we have with others, by saying, you have made a valuable contribution to the record, and for my part, we are grateful for it.

Thank you.

Mr. LaRUE. Thank you, Senator.

Senator ERVIN. I would like to order at this time, if there is no objection on the part of any member of the committee, that xeroxed copies of the correspondence which Mr. Vinson has furnished the committee be printed at the appropriate point in the record.

[The documents referred to were marked exhibit No. 88.*]

Senator ERVIN. Mr. Vinson, do you have a statement?

Mr. VINSON. Yes, sir, if the committee will indulge me for about 2 minutes. Mr. Chairman, we have the transcript of yesterday's hearing and there is one matter I should straighten out before Mr. LaRue departs.

On page 4579, Mr. Dash asked a question:

As a matter of fact, it is quite possible that you were out of the room at certain times?

This refers to the March 30 Key Biscayne meeting, which we have heard so much about.

Mr. LaRUE. That is a possibility. I have no recollection of that.

Mr. LaRue told me this morning that he was replying in the time frame of the discussion of the memorandum about the Liddy plan. In fact, as Mr. LaRue had told the staff previously, he has a specific recollection of being in and out of the room several other times, may have been out of the room, has no specific recollection at this time.

*See p. 2635.

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Mr. DASH. He did not indicate any responsibility to you at least, in the presentation of the two plans that he gave you on January 27 and February 4, did he?

Mr. MITCHELL. I am not sure I understand your question, Mr. Dash.

Mr. DASH. Certainly, from your point of view, he did not exercise or did not demonstrate any responsibility?

Mr. MITCHELL. He did not exercise any responsiveness to my desires in the matter, if that is your question; no.

Mr. DASH. Did you report to anybody the January 27 meeting or the February 4 meeting?

Mr. MITCHELL. To the best of my recollection, no; Mr. Dash.

Mr. DASH. Did you ever take it up with Mr. Haldeman or anybody in the White House?

Mr. MITCHELL. No, sir.

Mr. DASH. Were you aware that Mr. Liddy left the February 4 meeting believing that his plan was not objectionable in itself but only that the price tag was too high and that he reported that to Mr. McCord and Mr. Hunt?

Mr. MITCHELL. I cannot conceive of anybody leaving that meeting with such an understanding.

Mr. DASH. Were you aware, by the way, that Mr. McCord and Mr. Hunt were involved in the planning operation?

Mr. MITCHELL. In no way. I have never met Mr. Hunt. I do not know Mr. Hunt and, of course, Mr. McCord was the security officer of the Committee To Re-Elect the President and one of the last people I would have believed would have been involved in such activity.

Mr. DASH. Now, after the February 4 meeting, did you receive any urging or pressures from anybody in the White House with regard to approving the Liddy plan?

Mr. MITCHELL. No, sir.

Mr. DASH. Well, now, once again, Mr. Mitchell, and for a third time, on March 30, 1972, and this time in Key Biscayne, Mr. Magruder himself, not Mr. Liddy, presented a decision paper on the so-called Liddy wiretapping political intelligence plan scaled down now to a price tag of \$250,000.

Do you recall the meeting with Mr. Magruder and yourself down at Key Biscayne on March 30?

Mr. MITCHELL. Yes; I do. Mr. Dash.

I was on a vacation and it gave an opportunity to catch up on some of the things that were happening in the Committee To Re-Elect the President that I was to be associated with shortly. There were 2 days of meetings. Mr. Harry Flemming was down there for a day with his side of the campaign activities that had to do more with the political organizations and States and Mr. Magruder was down there in connection with the operational program, programmatic side of the campaign.

Mr. DASH. I understand—I am sorry, continue.

Mr. MITCHELL. Mr. LaRue had come down with us and was living in the house with us and he sat in on all of these meetings that we had while we were down there.

Mr. DASH. Now, I understand Mr. Magruder came down not only with this so-called Liddy plan proposal but he had a number of other items on the agenda.

Mr. MITCHELL. Yes; he had a substantial number of items on the agenda because I had been otherwise engaged and had for weeks. I had not had an opportunity to meet with these people. I was about to become officially associated with the campaign and he came down with a big stack of documents that were to be considered immediately.

Mr. DASH. Would it be fair to say, Mr. Mitchell, that the so-called quarter million dollar Liddy plan for wiretapping and break-in was actually different in degree and kind than any other agenda item that he was presenting to you?

Mr. MITCHELL. Mr. Dash, you can rest assured of this. There were no other such plans in the documents that were submitted.

Mr. DASH. What would have given Mr. Magruder the idea that you would even consider this proposal again if you had indeed, as you stated, rejected it so categorically twice before?

Mr. MITCHELL. Well, I would have presumed that you would ask Mr. Magruder that question when he was here, Mr. Dash, but in hindsight I presume there were other people interested in the implementation of some type of activity in this area. Because I believe that Mr. Magruder was very clearly aware of the position that I had taken in connection with it.

Mr. DASH. So that it is at least your present feeling that he was acting under some pressure for somebody to represent this plan to you?

Mr. MITCHELL. This has been continued to be my feeling but I have no basis for knowing that.

Mr. DASH. Do you know who might have been involved?

Mr. MITCHELL. No, I do not.

Mr. DASH. Has anybody ever told you other than any testimony which has appeared before this committee?

Mr. MITCHELL. No, the only information I have had has been the testimony that has been before this committee, and, of course, that is pretty wide ranging, you can almost take your pick of quite a number of such influences.

Mr. DASH. Now, what is your recollection of what decision you made in Key Biscayne on the so-called Liddy plan?

Mr. MITCHELL. Well, it was very simple. This, again, "We don't need this. I am tired of hearing it. out, let's not discuss it any further."

This sort of a concept.

Mr. DASH. It was as clear as that?

Mr. MITCHELL. In my opinion, it was just as clear as that.

I believe I recall. Mr. Dash, that this was part of a long agenda that for some unknown reason, they kept this to the last, or the next to the last. Whether somebody thought they were going to sneak it through or whether there would be less resistance or what, I don't know. But this is my recollection.

Mr. DASH. Well, then, could Mr. Magruder have been in any way mistaken as to what your position was?

Mr. MITCHELL. I would hope not.

Mr. DASH. Then how do you explain, Mr. Mitchell, Mr. Magruder's sworn testimony that you, however reluctantly, approved the quarter million dollar Liddy plan at Key Biscayne?

Mr. MITCHELL. Mr. Dash, I can't explain anybody's testimony up here except my own.

Mr. DASH. Well, indeed, if you had not approved the plan——

Mr. MITCHELL. I really shook him up, didn't I?

Mr. DASH. Well, I will try another question.

You had not approved the plan, but these things occurred according to the testimony of a number of witnesses. Why would Mr. Magruder call Mr. Reisner to have Liddy call him in Key Biscayne and then as soon as Mr. Magruder returned to Washington, he told Mr. Reisner to tell Liddy that his plan had been approved and he told Sloan that you had authorized Liddy to draw a total of a quarter of a million dollars.

Now, Mr. Sloan, Mr. Reisner, and Mr. Magruder have so testified that this occurred just after the March 20 meeting.

Mr. MITCHELL. I can't describe or prescribe the activities of other people, Mr. Dash, assuming that that long statement of yours is correct. I can't describe the——

Mr. DASH. Well, perhaps you may not be able to describe the activities, but was Mr. Magruder capable of leaving a meeting in Key Biscayne with you on March 30, in which you rejected for a third time the Liddy plan, and completely on his own, lied to Mr. Reisner, Liddy, and Sloan about your approval of the quarter million dollar plan?

Mr. MITCHELL. Is he capable of it?

I wasn't privy to the conversation, but if it happened——

Mr. DASH. Well, we have this testimony under oath before this committee, by all three witnesses.

Mr. MITCHELL. Well, with respect to all three people that were involved, if there is a problem there, it is a problem of misunderstanding or a contravention of my orders.

Mr. DASH. I think you testified that he couldn't possibly misunderstand——

Mr. MITCHELL. This would certainly have been my recollection upon the basis of the conversation that was involved. Of course, fortunately, there was a third party there and I am sure that he will have some opinion on the subject matter one way or the other.

Mr. DASH. Who is that?

Mr. MITCHELL. Mr. LaRue, who was in this meeting with us throughout the activity.

Mr. DASH. Do you know what his testimony is on that subject?

Mr. MITCHELL. No, I don't know what his testimony will be. Mr. Dash, but Mr. LaRue was there, and we have talked about it, obviously, since that event occurred over the months that have intervened since the Watergate event of June 17, and I am quite sure that, for instance, he told Mr. Parkinson and Mr. O'Brien that there was no such approval at this particular time.

Mr. DASH. Well, did you ever have any meeting with Mr. Magruder down at Key Biscayne at which Mr. LaRue was not there?

Mr. MITCHELL. I don't see how there could have been. Mr. LaRue was staying in the House with us, we were meeting in what they call the Florida room in the particular house. The meetings went on for quite a number of hours and we went through these documents and to the best of my recollection, Mr. LaRue was there.

Mr. DASH. Do you recall what Mr. LaRue said there?

Mr. MITCHELL. Well, I don't think Mr. LaRue was very enthusiastic about this project and I think he concurred in the fact that it should not be approved.

Mr. DASH. Now, if Mr. Magruder didn't come away with the idea that you had approved it and nevertheless, very shortly after he returned, set it in motion by approving the payment to Mr. Liddy of funds to carry out this plan, do you have any idea who above you could have given him authority to do this?

Mr. MITCHELL. Well, Mr. Dash, I don't know whether it would be above me, but there could very well have been pressures that came from collateral areas in which they decided that this was the thing to do. I can't speculate on who they might be. I am sure that there could be such pressures.

Mr. DASH. Generally, though, from your knowledge of Mr. Magruder and the working of Mr. Magruder, would Mr. Magruder on his own undertake to carry out this plan?

Mr. MITCHELL. You are asking for an opinion again.

Mr. DASH. An opinion, yes.

Mr. MITCHELL. I think it is a matter of degree, Mr. Dash. I think you will find when you get into your additional investigations that there were a lot of activities in the so-called dirty tricks department and so forth that were carried on without my knowledge by the gentlemen who were at the committee. So, it is a matter of degree.

Mr. DASH. Well, a matter of degree. But here, although Mr. Magruder had a continuing authority to approve expenditures, if Mr. Magruder actually knew that you had barred or rejected a particular program, would you expect Mr. Magruder to approve the payment of a quarter of a million dollars to Mr. Liddy for that program?

Mr. MITCHELL. I don't believe that Mr. Magruder paid a quarter of a million dollars to Liddy.

Mr. DASH. Well, approved —

Mr. MITCHELL. What he had done was continue what he had been doing before, made payments along the way to Liddy for Liddy's intelligence-gathering activities.

Mr. DASH. Well, that is not according to Mr. Magruder's testimony. According to Mr. Magruder's testimony, he had given this money not for general intelligence activity, but the so-called Liddy plan.

Mr. MITCHELL. Oh, you are talking about the later date?

Mr. DASH. Yes. Would you expect, taking as a matter of degree, that Mr. Magruder may have acted on his own? Having your rejection to a particular program, would you have expected Mr. Magruder to have approved the expenditures of large sums of money?

Mr. MITCHELL. I certainly would not have expected it, Mr. Dash, no.

Mr. DASH. Now, shortly, and I think again this is a restatement of what occurred, shortly after the March 30 meeting in Key Biscayne, Liddy in April did ask for an initial payment from Mr. Sloan on a quarter million dollar budget. Mr. Sloan has so testified that Liddy asked that the initial payment be \$83,000. Were you aware of that request of Mr. Liddy's?

Mr. MITCHELL. I am not aware of the request, Mr. Dash, with respect to the dollar amount, and I am sure that the committee recalls the dialogue from Sloan to Stans to Mitchell to Stans to Sloan with respect

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Mr. MARDIAN. The Internal Security Division never requested a single wiretap during my tenure.

Senator WEICKER. You then make it a matter of record the Division, during your tenure, never requested a wiretap of Division 5 of the Federal Bureau of Investigation?

Mr. MARDIAN. To my knowledge, sir, all those requests had to come from persons designated by the President of the United States and they could only be made to one person and that is to the Director of the FBI.

Senator WEICKER. I have no further questions, Mr. Chairman.

Senator ERVIN. Counsel.

Mr. HAMILTON. Mr. Mardian, I have just a few questions, and I would first like you to clarify an apparent conflict in the record from your testimony yesterday so the record will be straight. At page 4794 you said: "Mr. Magruder said to Mr. Mitchell that he had authorized \$250,000 and this seemed but a very small part of that sum. That is how the \$250,000 budget came up." Let me say in saying that to you there is, what I take it to be, a typographical error; the first three words are "Mr. Magruder lied to Mr. Mitchell." I think that should read "Mr. Magruder said to Mr. Mitchell."

Mr. MARDIAN. Said, yes.

Mr. HAMILTON. However, at page 4797, this is the testimony, the question was "And did you subsequently confirm that the budget that had been allocated to Mr. Liddy was actually \$250,000 and your answer was this: "To this day that matter has never been confirmed to me." And it appears there is some conflict here, and I would like for you to clear that up.

Mr. MARDIAN. Read that again, please.

Mr. HAMILTON. The last quote, Mr. Mardian?

Mr. MARDIAN. Yes.

Mr. HAMILTON. The question was: "And did you subsequently confirm that the budget that had been allocated to Mr. Liddy was actually \$250,000?"

Mr. MARDIAN. To this day that matter has never been confirmed to me. I think I was referring to a question relating to the \$199,000 and that is how I understood it. So I would—I must have misunderstood the question or they took the figure down incorrectly.

Mr. HAMILTON. I would be happy to read the statement. "I was never apprised of the fact there never had been any agreement on the amount of disbursement. I think Mr. Sloan's testimony was that it was \$199,000."

Mr. MARDIAN. Yes; that is what I would have been referring to.

Mr. HAMILTON. I think the question is: Did you ever have confirmation from either Mr. Mitchell or Mr. Magruder that the budget that had been approved for Mr. Liddy's dirty trick operations and black advance operations was \$250,000?

Mr. MARDIAN. Yes. I think I testified that I am not sure in what context it arose, whether it arose in California, whether it arose immediately thereafter. My best recollection was that it arose in connection with the confrontation between—that I had with Mr. Magruder in Mr. Mitchell's presence when I asked about—when I asked him how much money he had given Mr. Liddy; and he replied "\$40,000," and I said in surprise: "\$40,000," and it was echoed by Mr. Mitchell. "\$40,000."

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He then said, "That is a small part" or something "of that—of the \$250,000 you authorized." Mr. Mitchell's reply, as I recall, was "Yes, but the campaign hasn't started yet."

Mr. HAMILTON. So there was no denial by Mr. Mitchell in your presence that he had authorized a \$250,000 budget?

Mr. MARDIAN. That is what I think I testified to.

Mr. HAMILTON. All right.

Mr. MARDIAN. I think I testified I don't recall Mr. Mitchell saying "Yes, I approved \$250,000" but simply when that question came up he did not deny it.

Mr. HAMILTON. Now, on page 4827 you testified that after Mr. Mitchell informed you that he could not fire Mr. Magruder and Mr. Porter you advised him to prepare a memorandum for the file to protect himself, and you then said that he instructed you to have one prepared and that Mr. O'Brien was going to be the actual author of this memorandum?

Mr. MARDIAN. Yes, sir.

Mr. HAMILTON. Now, what facts did you intend to put into this memorandum?

Mr. MARDIAN. To put in all the facts that Mr. Mitchell was aware of at the time the discussion took place.

Mr. HAMILTON. Could you fix that time for us?

Mr. MARDIAN. I am sorry; it would have been immediately before July 1, probably, maybe I would guess that is in the timeframe.

Mr. HAMILTON. About July 1?

Mr. MARDIAN. Yes.

Mr. HAMILTON. And you also testified, Mr. Mardian, at page 4827 of the transcript, that after Clark MacGregor had made certain "flat statements," I believe was the term you used, regarding noninvolvement of campaign personnel, you complained to him that certain of his statements were untrue and unsuccessfully attempted to brief him about the tremendous exposure of certain people in the campaign.

Now, in this briefing that you tried to give Mr. MacGregor, what facts were you going to tell him?

Mr. MARDIAN. I was going to tell him of the involvement of—I thought he ought to know about the involvement of Mr. Magruder and Mr. Porter with reference to their activities.

Mr. HAMILTON. When you say "the involvement of Mr. Magruder," you mean the involvement as recounted to you by Mr. Liddy?

Mr. MARDIAN. No; I was not going to relate what Mr. Liddy told me but I felt that any admission on the part of these men, and I felt this admission was going to come forward, at least as far as dirty tricks and other unethical activities were concerned, that they had to come out even if they didn't admit to the Watergate adventure, who were still employed in the Committee To Re-Elect the President would reflect adversely on the President of the United States in his campaign for reelection.

Mr. HAMILTON. Are you saying you were not going to tell Mr. MacGregor that it was your feeling that Mr. Magruder had been involved in the Watergate affair?

Mr. MARDIAN. I wasn't going to accuse Mr. Magruder. I think I was going to tell him my suspicions and I felt he ought to know those suspicions before he made any further statements.

scheduled an appointment, he would from time to time stop in my office, indicate the nature of his business. He from time to time had stopped in and on one occasion I can remember him giving me a sheet of paper which I would identify only as being a blank sheet of paper with such typing on it. I don't remember. A letterhead. On this sheet of paper, the only recollection I have of the sheet of paper that we have discussed is there was some figures in the right-hand side of the page. Mr. Liddy made the statement to me that he hated to write something like this down and that is literally the extent of the statement. It was clear to me that I shouldn't, that it wasn't for my consumption either because of the way in which he gave me the piece of paper, as he handed it to me it was put face down on the desk, and I would say within a matter of minutes given to Mr. Magruder and that is——

Mr. LENZNER. Do you remember if there was a total amount on the paper?

Mr. REISNER. We discussed this. My best recollection is there could have been a total and I seem to remember the figure "250." Subsequently I have read newspaper accounts indicating there was \$250,000 in a certain alleged budget. It is supposition on my part to say what the piece of paper was. I don't know.

Mr. LENZNER. Now, did Mr. Magruder go to Florida in late March 1972?

Mr. REISNER. In late March 1972, yes, he did.

Mr. LENZNER. Is that reflected in the documents in front of you, that trip for March 29, 30, and 31?

Mr. REISNER. Yes. On the 29th there is an entry saying "Jeb leaving for Miami."

Mr. LENZNER. Do you know who he was going to see?

Mr. REISNER. Yes, at that time it is my recollection that Mr. Mitchell was at Key Biscayne and that Jeb had a meeting with Mr. Mitchell in Key Biscayne and that is who he was going to see.

Mr. LENZNER. And are there any notations reflecting Mr. Liddy's name on any of those dates in your documents?

Mr. REISNER. OK. I think what you are referring to is, well it says "leave for Key Biscayne" also on the 29th, on the 30th; there are a number of references to Mr. Liddy.

Mr. LENZNER. In the upper left-hand corner of the 30th, what does that reflect?

Mr. REISNER. It says "Get Gordon Liddy."

Mr. LENZNER. What does that represent?

Mr. REISNER. It says, that column I believe would have referred to the fact that I had been asked to get Gordon Liddy. But my best recollection of this is that the reason I was asked to get Gordon Liddy, I was asked to reach him and have him call Mr. Magruder. That is just a vague recollection. It could have come at another time but it makes sense in conjunction with this entry.

Mr. LENZNER. And that entry is in your handwriting; is that correct?

Mr. REISNER. That is correct.

Mr. Magruder was not in Washington at the time as is indicated here also and I think that was the reason for being asked to get Mr. Liddy to call him.

Mr. LENZNER. There is an entry on March 31 in the upper right-hand corner—Mr. Liddy's name.

Mr. REISNER. Gordon Liddy give answer.

Mr. LENZNER. What does that represent?

Mr. REISNER. The nature of this diary is that it is not a diary, the nature of this log, is a recording of activities that are taking place in the office. It is just a random recording of interruptions. It appears from the way in which this appears that Mr. Liddy would have interrupted me and said he needed an answer. I don't know whether this represented a phone call, Mr. Liddy simply stopping by the office. This illustrates the purpose for keeping the log in the first place. There were lots of interruptions like that and a lot of activities and that was the reason for writing it down, just to remember it.

Mr. LENZNER. Now, after Mr. Magruder returned from Florida, did he give you a message or instructions to pass on to Mr. Liddy?

Mr. REISNER. No, I am not certain it was when he returned from Florida. What I remember was on one occasion—the timing of the occasion roughly coincides with this—Mr. Magruder standing in my doorway and telling me to call Mr. Liddy. Now, it was his habit to frequently do that. That was the nature of my job. He would come and give me numerous instructions and I was to pass on approvals, disapprovals, that sort of thing, reactions to decisions or matters that he was handling. He appeared in my doorway and said, "Call Liddy, tell him it is approved or tell him it is approved and that we need to get going in the next 2 weeks." That was a perfectly characteristic thing for him to say because I frequently called other senior members of the committee and told them similar things. I made such a phone call. I related roughly in time to this because I have the feeling that the first week or two in April had something to do with the 2 weeks. That is a very vague recollection. I called Mr. Liddy and his reaction was a little bit different than the reaction of most people that I communicated this kind of decision to and I remember it; he said "But I can't, it is going to be hard," or something like that, and he protested and I indicated to him that he was going to have to talk to Mr. Magruder about it, that I didn't know what I was telling him about, that whatever he had talked about with Mr. Magruder was approved and if it made sense to him then I was glad to pass it on to him. He said he subsequently did talk to Mr. Magruder on a number of occasions. I assume whatever the matter was was resolved.

Mr. LENZNER. I am going to show you now, Mr. Reisner, some documents which have previously been used here and ask you if there came a time in June of 1972 when you observed those documents in the possession of Mr. Magruder.

Mr. REISNER. These documents were shown to me by you and other members of the staff. They seem to me to be similar to documents that I observed. I remember on one—on two occasions seeing something similar to the envelope. I remember seeing something similar to the material—to this letterhead.

I believe I tried to describe this on one earlier occasion and that was when I appeared before the grand jury and was asked about the nature of observing documents similar to this. At that time, I identified documents which are not exactly like this. Upon seeing them on a

Q And were you in the offices of the Committee to Re-elect the President on a fairly regular basis?

A Yes. I would generally come in Monday or Tuesday, spend the balance of the week and then go home Friday. Sometimes if there was something of a pressing nature I might stay over for the weekend. I might come up on a few occasions only two or three days a week.

Q All right. Now turning your attention, sir, to April, 1972. Did there come a time that you visited Key Biscayne, Florida?

A Yes, sir. I think in the latter part of March I accompanied the Mitchells to Key Biscayne for, I think, probably ten days or two weeks for Easter vacation.

Q All right, and where did you stay in Key Biscayne?

A We stayed at, I think it's called the 3520 House or something of that nature. It's a house that is -- it is not adjacent to it but in the vicinity of the compound of Key Biscayne.

Q When you say compound is that the Presidential - -

A The Presidential Compound at Key Biscayne.

Q Did there come a time while you were down there that Mr. Mitchell was visited by Mr. Magruder?

A Yes.

Q And also by Mr. Fleming?

A That is correct.

Q Can you tell us what transpired at that time, the circumstances, etc.?

A Yes. Mr. Magruder and Mr. Fleming got into Key Biscayne

one afternoon -- I can't be specific as to dates. I would, you know, looking back from Easter Sunday, I would assume it would be the 4th, 5th or 6th of April. Mr. Magruder came over to the compound and brought some briefcases with several memoranda that required -- what we call action memoranda, required signing off on by the campaign director. He came over to the house where we were staying. Mrs. Mitchell became quite upset about this because she did not want Mr. Mitchell's vacation interrupted by any working sessions and so I informed Mr. Magruder to leave his briefcases there and go on back to the hotel where he was staying and I would be back in contact with him.

Q And then did you have occasion to examine the contents of the briefcases?

A Yes. I think I told him that I would go through the memos and prioritize them so that we could -- in case we didn't have time to complete action on all the memos, that at least we would get the more pressing ones out of the way.

Q And did you go through them to - -

A Yes.

Q - - to determine the priority?

A Yes, that night I went through them. In the interim we had gotten Mrs. Mitchell calmed down and she agreed that we could spend the next day at the other end of the house and, you know, work on these, whatever -- work on whatever problems and decisions we had to make.

DV

BY MR. GLANZER:

Q So you did determine what the priorities were with respect to these memos, I take it?

A That is correct.

Q Incidentally, did Mr. Fleming come over with Mr. Magruder?

A No, he did not. I don't know if he came on the same flight or not. I don't know exactly what time he got to Key Biscayne, whether they came together or - -

Q But he did not come to this meeting?

A No, he did not come in that afternoon when Mr. Magruder came over.

Q You did make a determination of which action memos had to be acted upon and the order in which they would be acted upon?

A I, you know, to the best of my ability, prioritized the memos so we could proceed on the more important ones first.

Q As you reviewed these memos did you come across a memo

DV

that in substance discussed or had a topic in it or subject matter which related to electronic surveillance?

A That is correct.

Q Electronic intrusion?

A Yes, I did.

Q Do you recall the substance of it?

A I can't recall the specific substance of the memo. I recall -- the only thing I can specifically recall, because it caught my attention, was that the memo did discuss an operation regarding or involving electronic surveillance and that there was a budgetary figure attached to the memo.

Q Do you remember any more details in the memo about any targets of the electronic surveillance or anything like that?

A I can't honestly sit here and tell you I could, I mean -

Q Apart from the general fact that it was obviously - -

A I can't recall what the target was; no, sir, I really can't.

Q But it was obvious that it was electronic intrusion related to the adversary party?

A That is correct.

Q Now you mentioned the budgetary figure. Can you tell us the sum of money?

A I cannot give you a specific sum of money. I can only state that, as I recall, it involved a figure of several hundred thousand dollars.

Q All right, sir. Did there come a time that there was a meeting at which this memo was discussed?

Q This was an action memo, I take it?

A This was an action memo; yes, sir.

DV

Q Which required a sign off?

A Yes.

Q By the campaign chairman?

A Yes.

Q By Mr. Mitchell?

A Yes.

Q Did there come a time there was a meeting?

A Yes, we had a meeting next day.

Q Who was that?

A At that meeting was Mr. Fleming, Mr. Magruder and Mr. Mitchell and I.

Q Was Mr. Fleming present when that memo was discussed?

A No, he was not.

Q How was that arranged that he was not?

A Next morning when Mr. Magruder came over I asked him as to what in the world was this memo regarding this electronic surveillance. I said this was the first knowledge I had of any such contemplated course of action, and he said that the memo required action. I said, "Well, I don't want to bring this up with Mr. Fleming in the room, and I've got it on the bottom of the stack. When we get through with everything else we can maneuver Mr. Fleming out of the room and take this matter up."

Q And was that done?

A Yes, that was.

Q All right. Who sat in on the meeting?

A At the meeting at which the memo was discussed was Mr. Magruder, Mr. Mitchell and myself.

Q And can you tell us in substance what was said at the meeting and by whom, to the best of your recollection?

A To the best of my recollection the memo was given, as I recall, by Mr. Magruder to Mr. Mitchell. He read the memorandum. He looked over at me and he asked if I had seen this and I said I had, and he said, "What do you think?" I said, "I don't think it's worth the risk." As I recall, Mr. Mitchell sat there a few minutes, or few seconds, and he said, "Well, we don't have to do anything on this now."

Q All right. And was that the end of the meeting?

A That was the end of the meeting.

Q All right. Now thereafter did there come a time that this matter of electronic surveillance came to your attention in one form or another?

A Yes, on two or three occasions there were situations in which I was at meetings or had conversations with people where, I don't say this specific memo was raised, but allusions to some sort of operation going on or other operations contemplated. You want me to go on?

Q Yes, could you give us details of that?

A There was one meeting in Mr. Mitchell's office and which was attended by Mr. Magruder, Mr. Mitchell, Mr. Liddy and myself. The purpose of this meeting, as I recall, was to discuss the convention, the Republican Convention, and at that time it was Miami Beach. During the course of this meeting Mr. Liddy raised the concept that Senator McGovern would be occupying the same room at the Democratic Convention which Mr. Mitchell would be occupying at the Republican Convention, and that it would afford

DV

D'

- 21 Q Now, I want to direct your attention to on or about
22 March 29th, 1972. Did you have occasion to go down to Key
23 Biscayne in Florida?
- 24 A Yes.
- 25 Q And for what purpose?

NOTE: THIS PAGE CONTAINED THE ABOVE DELETION WHEN IT WAS RECEIVED BY THE COMMITTEE ON THE JUDICIARY.

DV
1 A The purpose was many-fold. We had -- Mr. Mitchell
2 had not been actively involved in the campaign in the past
3 number of weeks because of the ITT problem, and he was on
4 vacation.

5 So I had approximately 30-some decision papers for
6 Mr. Mitchell for our discussion and we were lagging behind in
7 the campaign. So I went down there, basically, to get many
8 decisions from him.

9 Q Did you have with you a proposal concerning the
10 Liddy project?

11 A Yes. Liddy, of course, was anxious to get his pro-
12 ject going and we had held it because I hadn't had an opportu-
13 nity to discuss any of these proposals with Mr. Mitchell, and
14 our agreement with Mr. Mitchell was that nothing was done in
15 the campaign without his approval. So I could not give Mr.
16 Liddy any approval on his project, and so he was being held
17 up and claimed that he was having great difficulty.

18 So one of the proposals that we brought down was Mr.
19 Liddy's third proposal for this intelligence gathering.

20 Q Now, when you say "brought down the proposal", what
21 was the form of that proposal and was it any different in form
22 from other proposals that you brought to Mr. Mitchell at that
23 time?

24 A Yes, it was different. Most of the proposals to Mr.
25 Mitchell had a standard form. They were to Mr. Mitchell, as

1 Attorney General, from me, with copies to Mr. Haldeman, and
2 they discussed a project and then asked for approval, dis-
3 approval, for both the project and the funds necessary.

4 This, because of the sensitivity of the nature, I
5 only had these blank sheets of paper with the various budgets
6 for each of the activities on them. Not a formal proposal
7 as I would have had on the other activities.

8 Q And who was at Key Biscayne besides Mr. Mitchell?

9 A Mr. Mitchell was there with his wife and his daughter
10 Mrs. Mitchell's social secretary, and Fred LaRue was staying
11 at the house at Key Biscayne.

12 Q And did you have occasion to discuss the Liddy proposal
13 with Mr. LaRue and Mr. Mitchell?

14 A Yes.

15 Q And what was the nature of this package or this
16 proposal?

17 A This proposal would only include, basically, wire-
18 tapping for the Democratic National Committee at the Watergate
19 for the possible surveillance, electronically, of the Democratic
20 National Convention Headquarters at the Fountain Bleu; and for
21 possible electronic surveillance at the Democratic Headquarters;
22 and, at that time, we were getting to realize that Mr. Muskie
23 was failing and so it would be someone else, so we didn't have
24 a specific individual in mind at that time.

25 All of the other activities had been eliminated from
the proposal.

1 Q And what was the size of the proposed budget?

2 A Approximately \$250,000.

3 Q All right. And did you, at that meeting, discuss
4 with Mr. LaRue and Mr. Mitchell the various pros and cons with
5 respect to that budget?

6 A Yes. Mr. LaRue had been aware of Mr. Liddy's pro-
7 posals but not in the depth that we had, because he had not
8 attended those past meetings.

9 Mr. LaRue had some misgivings relating to the project
10 Mainly that the possibility was limited information; that, of
11 course, this was illegal; and I think we all agreed that there
12 was potentially problems in dealing with Mr. Liddy because of
13 his stability.

14 But, basically, we did agree to firm the projects,
15 because we felt that there were enough individuals that were
16 interested in this information and we thought that there
17 possibly could be some use put to this information by ourselves
18 as well as other individuals at the White House.

19 Q Now, after the meeting, did you report the results
20 of that meeting to anyone?

21 A Yes. I had a standard procedure where Mr. Reisner,
22 who was my assistant. If I was in Washington, I would sit down
23 with him and go over all the decisions. Of course, we had a
24 tremendous amount of decisions, many of them quite critical,
25 because they'd been held up for quite a bit of time.

or "I've got to have an answer," really was more of what he was saying.

Q And did you pass these messages onto Mr. Magruder?

A That was the kind of thing that lots of people in the campaign would do. Sometimes they'd call me, and that was really the nature of my job, to sit in front of Magruder's office and just --

Q But did you pass these things along?

A Oh, yes, I would have, definitely.

Q And what did Mr. Magruder say when you passed that particular message along?

A Just, "Okay."

Q Did there come a time when Mr. Magruder told you to tell Mr. Liddy that he had approval?

A That's right. I'm very vague on the time of this, but the reason I place the time at the beginning of April was that part of the message to Mr. Liddy was to tell him to get going within two weeks and when I passed that message on, I have the feeling that "two weeks", that I was thinking in terms of when two weeks would be, and the time was going to be the first two weeks of April.

Mr. Magruder, as I remember, stopped in the entrance to my office and said, "Call Liddy and tell him its approved. Tell him we want to get going in the next two weeks." And, as I remember, part of the message may have been, "Tell him

DV
the first part is approved," but that's as close as I can come to Mr. Magruder's message.

Q When do you place the time of this event?

A In the beginning of April, is the best I can do.

Q And was this by telephone or in person with Mr. Magruder?

A As I remember, Mr. Magruder stopped in the entrance to my doorway and told me to tell Mr. Liddy that.

Q Was this after his return from Key Biscayne?

A Well, if I'm correct about the date, then it would be after his return from Key Biscayne. However -- and I think my general reluctance about this is that I don't remember it in reference to Key Biscayne. I just remember it in the beginning of April.

Q Did he call you from Key Biscayne and give you a similar message?

A Not that I remember.

Q Did he call you from Key Biscayne at all?

A Yes, he did.

Q What was the purpose of it?

A I think he called me a number of times and probably -- well, he would have called me for the normal kinds of things he would call me about.

He took to Key Biscayne with him 26 or 30 documents that he needed approval on -- 26 or 30 documents that he needed

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1 approval on -- and as he, maybe, got approval, he would call
2 me and say, "Call so-and-so and tell him that his plan is
3 approved but that he should only spend so much money," and
4 that sort of thing. I mean, he was calling me and giving me
5 instructions.

6 Q I'd like to show you a book marked RR-1, and can you
7 identify this, please?

8 A Yes. It's a log that I kept. It's not an accurate
9 calendar but a log that I kept during the year 1972.

10 Q All right. When you say it's a log, it's a log of
11 your activities or a log of Mr. Magruder's activities?

12 A It's a log of my activities in 1972.

13 Q Does it also reflect some of Mr. Magruder's activi-
14 ties?

15 A Yes, it does. Particularly because my job was
16 related to his and, therefore, my activities related to his.

17 Q Now, concerning the Key Biscayne meeting, does it
18 indicate in your diary when Mr. Magruder left for Florida?

19 A Yes. It indicates that he was scheduled to leave
20 at 11:00 o'clock on Wednesday, the 29th, and there also is an
21 entry --

22 Q Let me just ask you, does your recollection conform
23 to that? Do you have any personal knowledge that he did leave
24 on that day?

25 A Well, no, I don't, but there also is an entry of my

activities saying that he would leave for Miami, unless there was some other entry which I don't see.

I believe that he did leave on the 29th.

Q Okay. Now, there's an entry on the 30th. Would you like to read that to the Grand Jury -- at 4:00 o'clock?

A The entry on the 30th refers to the matter that we were just discussing, where he did call asking that decisions be transmitted concerning activities that he had memoranda in Florida about and he was getting approval for the memoranda.

Q Now, what were those specific items? Did they include the Liddy proposal?

A Not that I can see here. It seems that the decisions that he was getting approval on were concerning the plans for the Maryland primary. Some sort of a decision, and I had to transmit that to Al Calpin; and something concerning the convention, that related to Dick Herman and Bill Timmins.

Q Was there any reference to Mr. Liddy on the 30th?

A Yes. There's a request that I get Gordon Liddy, and, to the best of my recollection, what I was asked to do was to find Mr. Liddy and have him call Mr. Magruder in Florida.

Q And, therefore, your entry on Thursday, March 30th, indicates to you that Mr. Magruder had either before leaving or from Florida asked you to get Mr. Liddy to call him in Florida?

A That's correct. I think he left on the 29th and I

was asked by Mr. --

Q And that entry is at 9:00?

A That's just a rough entry.

Q Somewhere in the area of 9:00 o'clock a.m.?

A Well, I could have been called the previous evening and had written down that I had to find him and I might have written that on the calendar to do that early in the day.

Q Did you get Gordon Liddy?

A As I remember, I had him call Mr. Magruder in Miami.

Q All right. Now, on the 31st, I note that there's an entry that just says Key Biscayne. Does that indicate that is where Mr. Magruder was?

A Yes, it does.

Q Is there also a mention of Mr. Liddy on the 31st?

A Yes. There's a column in this log which I use just to note the things that were coming up that were interrupting me, because there were a lot of activity and a lot of interruptions and just so I didn't forget about things that I'd been asked to do.

And in that column -- which I think means it was an interruption -- there is the word Gordon Liddy and then it says next to him, "Give answer", and I believe that what that refers to is Mr. Liddy must have stopped by my office on Friday morning and said he talked to Magruder yesterday, "I need an answer" or "I'm waiting for an answer," or something

like that.

DV Q Is it possible that that meant Mr. Magruder had called you and give an answer to Mr. Liddy?

A Because I do not have a specific recollection of that, that is a possible interpretation.

Q Now, and then following this sometime -- because you think it's in early April -- you did, in fact, give Mr. Liddy an answer?

A Yes. Except that I have no recollection of being called by Mr. Magruder and asked to give Mr. Liddy any answer.

Q Your recollection is he was in the doorway when he asked you. And what was Mr. Liddy's reaction to your saying, "It's approved. Get started in the next two weeks?"

A Well, he used to call a lot of people in the campaign and give them messages exactly like that. "The Maryland plan is approved," or something like that, and I wouldn't know what the Maryland plan was, but I assume that Bob Merrick -- who had submitted the Maryland plan -- knew what it was and when I said it was approved, he knew what that meant.

So I called Mr. Liddy, and his reaction was not characteristic of other people in the campaign. He said, "But I can't," or "It's going to be difficult. I've got people," or something like that.

So I said to Mr. Liddy, "I don't know what it is that you're talking about. You're going to have to discuss

that with Mr. Magruder." And he said, "Well, all right."

I said, "You're just going to have to talk about it to Mr. Magruder. I don't know what it is that you and he were talking about."

Q Now, I'd also like to show you what is marked MG-1, and can you identify this please?

A Yes, that's Mr. Magruder's calendar -- diary.

Q And do you know what year it's for?

A Yes. 1972.

Q Now, I note, in MG-1, under Thursday, March 9th, there's an entry that just says, "8:00 - Gordon Liddy." Beneath that it says, in a different pen, "Florida Rally. Leave 11:00."

Now, can you explain what that entry on the 9th means or those two entries on the 9th?

A Well, I assume the 8:00 o'clock entry, which is written in Mr. Magruder's handwriting, indicates that Mr. Magruder had at sometime, perhaps the previous evening, called Mr. Liddy and made an appointment to see Mr. Liddy at 8:00 o'clock in his office.

The other entry indicates that Mr. Magruder then, after that, left for Florida on a chartered airplane with a large number of other people for a rally that took place in Florida.

Q Now, would this have been the "Get Out the Vote

8. On March 31, 1972 Gordon Strachan reported in writing to H.R. Haldeman in a Political Matters Memorandum that Magruder had reported that CRP "now has a sophisticated political intelligence gathering system including a budget of [\$]300[000]." Strachan attached tabs to the Memorandum, including a tab referring to political intelligence reports on Senator Humphrey's Pennsylvania campaign organization by a source identified as "Sedan Chair II." On or before April 4, 1972 Strachan prepared a talking paper for Haldeman's use during a meeting with Mitchell scheduled for April 4, 1972 at 3:00 p.m. The talking paper included a paragraph relating to the intelligence system, raising questions as to whether it was adequate and whether it was "on track." (As indicated below in Paragraph 9, both the Political Matters Memorandum and the talking paper were destroyed following the break-in at the Watergate offices of the DNC.)

	Page
8.1 Gordon Strachan testimony, 6 SSC 2441-42, 2452-54	148
8.2 H. R. Haldeman testimony, 8 SSC 3036-37	153

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that Mr. Mitchell and Mr. Dean were shocked by Liddy's plan; Mr. Magruder's staff man, Gordon Liddy, was apparently quite humiliated, and nothing was approved. In other words, if those meetings were routinely reported to Mr. Haldeman, as evidence of Mr. Magruder's administrative ability and judgment, the January and February meetings would not very likely inspire the confidence of Mr. Haldeman or the President.

Yet, Mr. Magruder testified that "as he recalled" he returned to his office after both these embarrassing meetings and routinely called Mr. Haldeman's staff assistant, me, and told me about his blunder, presumably so that I could inform Mr. Haldeman. That testimony is difficult to reconcile with good sense. Presumably, Mr. Magruder knew that Mr. Dean would report on the meetings to Mr. Haldeman—as Mr. Dean has testified he did—why would Mr. Magruder want two people reporting the same disaster to Mr. Haldeman?

It is true, however, that Mr. Magruder called me after he returned from the March 30, 1972, meeting at Key Biscayne with Mr. Mitchell and Mr. LaRue and reported on about 30 major campaign decisions. Each of these decisions was briefly described in that rather short phone conversation. During this call, he told me, and I am repeating his words rather precisely: "A sophisticated political intelligence-gathering system has been approved with a budget of 300." Unfortunately he neither gave me, nor did I ask for any further details about the subject.

Soon thereafter I wrote one of my regular "political matters" memos for Mr. Haldeman. This particular memo for early April was 8 to 10 pages long with more than a dozen tabs or attachments, but it contained only one three-line paragraph on political intelligence. That paragraph read almost verbatim as Mr. Magruder had indicated to me over the phone. I wrote in the memo to Mr. Haldeman—Again this is almost a quote:

Magruder reports that 1701 now has a sophisticated political intelligence-gathering system with a budget of 300. A sample of the type of information they are developing is attached at tab "H."

At tab "H", I enclosed a political intelligence report which had been sent to me from the committee. It was entitled Sedan Chair II. This report and two others somewhat like it that I had received began with a statement such as, "A confidential source reveals" or "a reliable source confidentially reports." This was followed by a summary of some political information.

In April 1972, I was mainly interested in reporting to Mr. Haldeman on those 30 campaign decisions and other relevant political items. I did not give much thought to what Mr. Magruder meant by "sophisticated political intelligence-gathering system." Nor did I give much thought to the real identity of Sedan Chair II, but I remember that the information dealt with Senator Humphrey's Pennsylvania organization.

However, on June 17, 1972, and afterward, as the news began unfolding about the break-in at the Democratic National Committee, I certainly began to wonder who else but people from 1701 could have been involved. I suspected that maybe the Watergate break-in was part of the sophisticated political intelligence operation Mr. Magruder had

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mentioned to me on the phone in early April. And worse, I feared that Sedan Chair II's so-called confidential source might really have been a wiretap, or might in some way have been connected with the Watergate break-in. I immediately tried to call Mr. Magruder so I could have a report for Mr. Haldeman. Mr. Magruder did not return my calls on Saturday and I was not able to reach him until around noon on Sunday, when I again called him in California.

When I finally reached him and began to ask him what he knew about the Watergate break-in, he cut me off and said that he had been on the phone with Mr. Haldeman that morning and the matter was being taken care of.

I doubted that Mr. Magruder had actually spoken with Mr. Haldeman so I called Mr. Higby who clears most calls to Mr. Haldeman. Mr. Higby told me that Mr. Magruder had talked to Mr. Haldeman and that Mr. Ehrlichman was handling the entire matter.

I met with Mr. Haldeman on June 19 or 20 and showed him the April political matters memo that mentioned the intelligence gathering system. After speaking to him, I destroyed that memo and Sedan Chair II, as well as several other documents I have told this committee and the prosecutors about. I also told Mr. Dean that I had destroyed a political matters memo to Mr. Haldeman showing a \$300,000 intelligence budget at the committee and three confidential source memos which I said could possibly have been wiretap reports with the sources carefully camouflaged. I did not tell Mr. Dean that I had, in fact, destroyed wiretap logs, because I was not then sure what they were, I only had suspicions.

I also told the prosecutors in April of this year what specific items I destroyed. And I told them I still suspected Sedan Chair II might have been a wiretap summary. It was not until Mr. Reisner and Mr. Porter testified before this committee in June that I learned Sedan Chair II was not an illegal wiretap, but was, instead, an informer planted in the Humphrey camp. In fact, you will recall that Mr. Magruder's testimony has established that I never received his wiretap data. Nor could I have passed it on to others or shredded a wiretap transcript. He says he made only one copy of the Watergate wiretap log, code-named "Gemstone." He testified that it was so sensitive that he would not let it out of his office.

Turning to matters after the election, I have told the committee that I returned approximately \$350,000 in cash to Fred LaRue. I was not told by anyone, nor did I know what use was being made of this money. I had received the money from the campaign committee on Mr. Haldeman's instructions and, at that time, returning it to Mr. LaRue seemed appropriate since he was the top official left at the committee. I took it to him in December 1972, or January 1973, after I had left the White House staff. This money was the fund I had picked up in April 1972, for the purpose of conducting White House polling. It had not been used to pay polling expenses or originally planned and after the election I had been asking Mr. Haldeman, Mr. Dean, and Mr. Higby what to do with the money.

The delivery to Mr. LaRue was made in two parts, on two occasions. In December or January, after talking to Mr. Dean, I took approximately \$40,000 in two envelopes to Mr. LaRue at his apartment at the Watergate. I lived two blocks away and the delivery was made on my way home from work.

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that would strike me as far more sensitive a matter to send through the normal messenger channels than some file which other witnesses have indicated was not patently illegal on its face.

Mr. DASH. In other words, what you are saying is that you never did see the Gemstone file, Mr. Magruder never invited you over to see it, and that prior to March 30, you had no knowledge of any so-called Liddy intelligence plan?

Mr. STRACHAN. That is correct.

Mr. DASH. Now, did that change, at least after March 30?

If it did, could you tell us how it changed?

Mr. STRACHAN. Yes; I was aware that Mr. Magruder would be going down to Key Biscayne to review several campaign decisions that had accumulated during John Mitchell's working on the ITT problem. He called me up in an apparently fairly brief telephone conversation and reviewed the 30 or so pending campaign decisions. I took notes on that telephone conversation and prepared shortly thereafter a political matters memorandum for Mr. Haldeman, summarizing that telephone conversation as well as other information.

Mr. DASH. And what did that include? I mean did it include a Liddy intelligence plan?

Mr. STRACHAN. Yes; Mr. Magruder told me that a sophisticated political intelligence gathering system had been approved and I reported that to Mr. Haldeman.

Mr. DASH. Were you aware that that was one of the items for decision that went down to Key Biscayne with Mr. Magruder?

Mr. STRACHAN. No; I was not.

Mr. DASH. So that it was after he came back that he reported that to you?

Mr. STRACHAN. That is correct.

Mr. DASH. Can you recall approximately when he made that report to you?

Mr. STRACHAN. Well, it was shortly thereafter, I would guess either Friday, March 31, maybe Saturday. My secretary recalls having typed the memorandum on Friday.

Mr. DASH. And it is clear in your mind that Mr. Magruder reported that Mr. Mitchell had in fact approved a sophisticated intelligence plan?

Mr. STRACHAN. Well, I concluded that Mr. Mitchell had approved it. I believe that when Mr. Magruder was going through the decisions and the way I would usually report it to Mr. Haldeman would be that Mr. Magruder reports that Mr. Mitchell has approved the following matters, and I would put a colon, and then I would list the items.

Mr. DASH. But did you do it with regard to this plan?

Mr. STRACHAN. Yes; that was one of the 30 items that was listed.

Mr. DASH. I think in your statement you referred to a sophisticated intelligence system with a budget of 300. Three hundred what?

Mr. STRACHAN. Well, it is \$300,000. On almost all of the memorandums that I wrote to Mr. Haldeman, I would leave off the last three zeroes, because usually the figures that we were dealing with were very, very large.

Mr. DASH. Now, you say that you then prepared a political matters memorandum for Mr. Haldeman, and you included this approved

sophisticated intelligence plan, that \$300,000 budget, in that political matters memorandum.

Do you recall the number of that memorandum?

Mr. STRACHAN. Yes; it was political matters memorandum No. 8.

Mr. DASH. And how many political matters memorandums did you write after that, if you can recall approximately?

Mr. STRACHAN. Well, through the campaign and toward the end of the campaign, they got a little further apart, but I wrote 23.

Mr. DASH. Did you receive any information or indication that Mr. Haldeman, in fact, read the political matters memorandum No. 18 with specific reference to the sophisticated intelligence plan with a budget of \$300,000?

Mr. STRACHAN. Yes; it was Mr. Haldeman's practice when he would read such a memorandum to make notes and check off those paragraphs which he had indicated and then he would write it up in the upper right-hand corner "To Strachan," in this case indicating the memorandum should be returned directly to me, and I would go through his memorandums after he had read them, and this particular one I reread, and noted his checking off of all the paragraphs that I had prepared for him.

Mr. DASH. Was there any other comment besides that particular one?

Mr. STRACHAN. Besides the paragraph that you are concerned about there was simply a blank check.

Mr. DASH. Now, did there come a time shortly afterwards when you were asked to do anything about that particular matter?

Mr. STRACHAN. I am sorry.

Mr. DASH. Did there come a time shortly afterward when you were asked to write either any other paper or memorandum or take any further action with regard to that particular matter?

Mr. STRACHAN. I am sorry, I do not understand the——

Mr. DASH. Well, you testified that you submitted to Mr. Haldeman a report on your political matters memorandum concerning this sophisticated intelligence plan, and then that this was checked off, indicating to you that he had read it. What happened afterward concerning that particular matter? Did that just stay in your file or did Mr. Haldeman take any further action on it to your knowledge?

Mr. STRACHAN. Well, after the memorandum came back out Mr. Haldeman was going to meet with Mr. Mitchell on April 4.

Mr. DASH. How did you learn about that?

Mr. STRACHAN. Mr. Haldeman had a system on his telephones where he could push a button and have one of his personal aides monitor the telephone conversation.

Mr. DASH. Would this be similar to an extension phone where somebody would be asked to get on an extension phone and just listen in?

Mr. STRACHAN. Well, it would be different from an extension phone because you could not detect the fact that it was picked up, and there was no way that the person listening on the phone could make any noise either by talking or by a secretary typing to indicate that there was someone else on the phone.

Mr. DASH. How were you notified or how was it indicated to you that you were to pick up the line?

Mr. STRACHAN. Well, there was a button on the call director phone that I had which would buzz when I was to pick that line up, and I pushed down the button and began listening to the conversation usually at that time which was already in progress.

Mr. DASH. All right. In this particular case now with a call, I take it, you are testifying to Mr. Mitchell, could you tell us, having picked up the line, what you heard?

Mr. STRACHAN. Well, Mr. Mitchell indicated that he was either going to return or had returned from Florida, and Mr. Haldeman jokingly said, "Well, that is clearly a mistake. You ought to stay down there and vacation some more," and Mr. Mitchell indicated that "Well, we had better get together and talk about some matters." Haldeman asked him if 3 o'clock that day would be convenient.

Mr. DASH. And that day was when?

Mr. STRACHAN. April 4.

Mr. DASH. 1972?

Mr. STRACHAN. 1972.

Mr. DASH. And was there, in fact, a meeting on April 4, 1972, between Mr. Haldeman and Mr. Mitchell?

Mr. STRACHAN. Well, I did not attend the meeting so I could not testify that there was in fact but I prepared a talking paper for the meeting and we would prepare a folder which would include the talking paper, and the talking paper went into his office and came back out afterwards.

Mr. DASH. All right.

Now, in this talking paper, did you include the item of the sophisticated intelligence plan with a budget of \$300,000?

Mr. STRACHAN. Yes. In most talking papers I would frequently pose the question is the intelligence system adequate? Is the proposal on track, just to get the conversation going on the subject, and in this particular one I did include that paragraph.

Mr. DASH. Now, prior to that meeting and when you were preparing that talking paper, was there any other political intelligence plan operative or being considered to your knowledge?

Mr. STRACHAN. No; not to my knowledge.

Mr. DASH. Did you receive back that talking paper after you had given it to Mr. Haldeman?

Mr. STRACHAN. Yes, I did.

Mr. DASH. And to your knowledge, was there any indication as to whether all the items on the talking paper had been discussed?

Mr. STRACHAN. Well, usually if a matter had not been discussed he would indicate that it should be raised again. In this case it was not raised again, indicating that he would have covered the subject.

Mr. DASH. What did you do with that talking paper then when you received it back?

Mr. STRACHAN. I put it back in the file with the political matters memo 18 files.

Mr. DASH. And there was no indication from Mr. Haldeman that he had either not discussed it or it needed any further action on your part?

Mr. STRACHAN. That is correct.

Mr. DASH. Now, did there come a time after that meeting between Mr. Mitchell and Mr. Haldeman, and also in the same month of April.

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manned when I was in the office. If my principal secretary wasn't there, another girl would fill in while she left the desk.

The log does have some potential inaccuracies in the effort to record my participation in meetings outside of my office because then she was only aware that I had left the office and was not always aware where I had gone or with whom I had met.

Mr. DASH. Well, then, leaving aside any report that Mr. Dean made to you of these meetings, were you not informed by Mr. Strachan through a political matters memorandum of a sophisticated intelligence system that the Committee for the Re-Election of the President had developed for the approval of Mr. Mitchell sometime shortly after March 30?

Mr. HALDEMAN. I don't recall Dean so informed but I don't recall any of the other 30 or 29 decision items that were apparently also covered in that memorandum and it is not surprising that I wouldn't.

Mr. DASH. Would a political matters memorandum dealing with a sophisticated intelligence plan for the committee at a budget of \$300,000 strike your attention?

Mr. HALDEMAN. As Mr. Strachan has described it, a three-line item in a rather thick political matters memorandum dealing with, among other things, apparently 30 decisions that had been made by Mr. Mitchell at the Key Biscayne meeting, would not strike my attention; no.

Mr. DASH. Well, do you recall asking or having Mr. Strachan prepare a talking paper that covered a number of these items and including the intelligence plan?

Mr. HALDEMAN. No; and that wouldn't be the normal process Mr. Dash. You are referring to, I assume, the talking paper that he referred to—

Mr. DASH. Yes.

Mr. HALDEMAN [continuing]. In terms of the—

Mr. DASH. That is right.

Mr. HALDEMAN [continuing]. Meeting I was to have sometime shortly after that—

Mr. DASH. The April 4 meeting.

Mr. HALDEMAN [continuing]. With Mr. Mitchell. And Mr. Strachan, when he knew that I was having a meeting with Mr. Mitchell or having a meeting with anyone else with regard to the campaign or the committee, on his own initiative and within his area of responsibility prepared for me a talking paper listing those items of discussion that he assumed would be useful or desirable to discuss at that meeting. The talking papers were not drawn up jointly by the two of us and I did not tell him what to put on them. I knew what I wanted to talk about. What he was doing was trying to jog me by way of a talking paper on items that I might not think about that he thought might be useful to discuss.

Mr. DASH. Now, when you received a political matters memorandum and read the item, how did you indicate that you had noted the item or read it?

Mr. HALDEMAN. Varying ways. I sometimes made margin notes, I sometimes made checks by items, and I sometimes made no mark at all.

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Mr. DASH. And if you had read it and made a check that would appear on them, I take it?

Mr. HALDEMAN. That is correct.

Mr. DASH. And if there was a talking paper for a meeting with Mr. Mitchell on April 4, that would be part of that political matters file, would it not?

Mr. HALDEMAN. I don't know.

Mr. DASH. I am asking the question if there were such, it would be part of the file, would it not?

Mr. HALDEMAN. I don't know that it would be. I am not——

Mr. DASH. A number——

Mr. HALDEMAN [continuing]. I am not sure I understand what you mean.

Mr. DASH. Are there a number of political matters memorandums you received—you say you received a number.

Do you recall how many political matters memorandums Mr. Strachan sent you?

Mr. HALDEMAN. Over the 2 years?

Mr. DASH. No; during the period, say, from January 1972, through June 17, 1972.

Mr. HALDEMAN. I don't recall a number. I would have to guess.

Mr. DASH. All right.

Mr. HALDEMAN. Probably in that sort of a period it would be 10, something like that.

Mr. DASH. All right; his testimony is that this particular political matters memorandum was numbered No. 18 and if you wanted to find out what was included in political matters memorandum No. 18 to refresh your recollection right now, where would you go?

Mr. HALDEMAN. I would go to Mr. Strachan.

Mr. DASH. Mr. Strachan doesn't have the document, I take it. Would the document be at the White House?

Mr. HALDEMAN. Well, I understand from Mr. Strachan's testimony that he destroyed the document, so I presume it wouldn't be.

Mr. DASH. It is not at the White House?

Mr. HALDEMAN. I don't know whether it is or not, Mr. Dash.

Mr. DASH. Have you gone to the White House in preparation for your testimony?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. To look at papers of yours?

Mr. HALDEMAN. I have looked at my notes, yes.

Mr. DASH. Your notes. Have you looked at any of the political matters memorandum?

Mr. HALDEMAN. No; I haven't.

Mr. DASH. You heard Mr. Strachan's testimony prior to your testimony here. Did you go to the White House to see if there was a political matters memorandum No. 18 at the White House?

Mr. HALDEMAN. No, sir.

Mr. DASH. Now Mr. Strachan has testified that he did present to you, shortly after the break-in when you returned to Washington, this particular political matters memorandum No. 18, which included the reference to the sophisticated intelligence plan at \$300,000 and the talking paper and I think some other matters, and that you said, and this is his testimony, you said that the file should be clean after

9. On April 4, 1972, from approximately 3:00 p.m. until approximately 4:00 p.m., Mitchell and Haldeman met in Haldeman's White House office. Haldeman has testified that he does not believe political intelligence was discussed at the meeting. From 4:13 p.m. until 4:50 p.m., Haldeman and Mitchell met with the President. Haldeman testified that his notes of this meeting indicate a discussion of the "ITT-Kleindienst" hearings and the assignment of regional campaign responsibility and do not indicate a discussion of intelligence. Haldeman later returned to Gordon Strachan the talking paper specified in the preceding paragraph. It was Haldeman's practice to indicate on the talking paper agenda matters that had not been discussed. In this instance there was no such indication with respect to the agenda items covering political intelligence. Strachan has testified that on June 20, 1972, shortly after the break-in at the DNC headquarters in the Watergate office building, he showed Haldeman the Political Matters Memorandum referring to the sophisticated intelligence gathering system and other sensitive materials from Haldeman's files, and that he was instructed by Haldeman to clean out the files. Strachan immediately destroyed the Political Matters Memorandum, the talking paper he had prepared for the April 4, 1972 meeting between Mitchell and Haldeman, and other sensitive documents. Haldeman has testified that he has no recollection of giving Strachan instructions to destroy any materials.

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9.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND H.R. HALDEMAN
APRIL 4, 1972

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H.R. Haldeman

- 24 -

April 1, 1972

PM	5:28	5:30	President placed local call to Haldeman
	7:11	7:12	President placed local call to Haldeman

April 2, 1972

PM	2:23	2:27	President placed local to Haldeman
	2:45	3:25	President met with Haldeman

April 3, 1972

AM	9:18	9:55	President met with Haldeman (Kissinger 9:49 - 9:59)
	10:23	11:35	President met with Haldeman
PM	4:32	4:53	President met with Haldeman (Butterfield 4:41 - 4:42) (Ehrlichman 4:52 - 5:36)
	5:36	5:48	President met with Haldeman
	6:07	6:10	President placed local call to Haldeman

April 4, 1972

AM	9:44	10:06	President met with Haldeman
	10:48	11:45	President met with Haldeman
PM	4:13	4:50	President met with Haldeman (Mitchell 4:13 - 4:50)
	6:03	6:18	President met with Haldeman

April 5, 1972

AM	10:05	11:39	President met with Haldeman
PM	2:54	4:30	President met with Haldeman (David Parker 2:54 - 4:05) (Ens. & Mrs. D. Eisenhower 2:54 - 4:05) (Mr. & Mrs. Cox 2:54 - 4:05)
	5:43	6:18	President met with Haldeman (Kissinger 4:59 - 6:18) (Wm. Rogers 5:00 - 5:51) (Mr. Andrews 5:04 - 5:06)

Indistinct document retyped by
House Judiciary Committee staff

9.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND H.R. HALDEMAN
APRIL 4, 1972

H. R. Haldean

-24-

DR

April 1, 1972

PM	8:23	8:50	President placed local call to Haldeman
	7:11	7:02	President placed local call to Haldeman

April 2, 1972

PM	2:23	2:27	President placed local to Haldeman
	2:45	3:25	President met with H. Haldean

April 3, 1972

AM	9:18	9:55	President met with Haldeman (Kissinger 9:49 - 9:50)
	10:23	11:35	President met with Haldeman
PM	4:32	4:53	President met with Haldeman (Butterfield 4:41 - 4:42) (Ehrlichman 4:52 - 5:36)
	5:36	5:48	President met with Haldeman
	6:07	6:10	President placed local call to Haldeman

April 4, 1972

AM	9:44	10:06	President met with Haldeman
	10:48	11:35	President met with Haldeman
PM	4:13	4:50	President met with Haldeman (Mitchell 4:13 - 4:50)
	6:03	6:18	President met with Haldeman

April 5, 1972

AM	10:05	11:39	President met with Haldeman
PM	2:51	4:30	President met with Haldeman (Mr. Baker 2:51 - 3:05) (Mrs. D. Baker 3:05 - 4:05) (Mr. & Mrs. C. Baker 4:05 - 4:30)
	5:15	6:15	President met with Haldeman (Kissinger 5:15 - 6:15) (Mr. Rogers 6:15 - 6:31) (Mr. Baker 6:31 - 6:35)

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House Judiciary Committee staff

Mr. Mitchell -- April 4, 1972 -- Tuesday

8:15 AG arrived in office

8:30 AG SAW Mardian and DAG

9:20 AG SAW Mardian, LaRue and Dick Hermen

10:15 AG called Clark MacGregor

11:15 AG SAW Cliff Miller, Fred LaRue, Mardian and
Magruder

11:40 DAG called AG and t.

12:30 Haldeman called AG and t.

1:10 AG called Bebe Rebozo

2:45 AG left for meeting with Haldeman

5:00 AG ret. to office

5:05 AG ret. Stans call and t.

5:07 AG ret. DAG's call and t.

5:10 AG SAW Fred La Rue

6:10 AG left office

Indistinct document retyped by
House Judiciary Committee staff

Mr. Mitchell -- April 4, 1972 -- Tuesday

2:15 AG arrived in office
 2:30 AG SAW Mardian and DAG
 9:20 AG SAW Mardian, LaRue and Dick Harmon
 10:15 AG called Clark MacGregor
 11:15 AG SAW Cliff Miller, Fred LaRue, Mardian and Magruder
 11:40 DAG called AG and t.
 12:30 Waldeman called AG and t.
 1:10 AG called Babe Rebozo
 2:45 AG left for meeting with Waldeman
 3:00 AG ret. to office
 5:05 AG ret. Stans cell and t.
 5:07 AG ret. DAG's cell and t.
 5:10 AG SAW Fred LaRue
 6:10 AG left office

SOURCE : SSC 1/22/74

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Tuesday, April 4th

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Mr. HALDEMAN. That is correct. And it wasn't.

Senator ERVIN. And you knowing that while you deny authorship of this? Do you deny authorship of this?

Mr. HALDEMAN. I deny dictating this memorandum, but I have accepted responsibility for its contents, Mr. Chairman.

Senator ERVIN. I will come back. Wait a minute, Mr. Strachan was your liaison between you and the Committee To Re-Elect the President, was he not?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And he brought you memorandums and documents?

Mr. HALDEMAN. He sent them to me, yes.

Senator ERVIN. And he testified that he brought you a memorandum which stated at Key Biscayne on the 30th of March, John Mitchell had approved of what he called a sophisticated intelligence plan and that you put a mark indicating that you had read that. You say he did not bring you that or do you say you just do not have any recollection of it?

Mr. HALDEMAN. I said I did not have any recollection of that specific item or of that memorandum in the clear specific sense. I have no question that I was sent political memorandum No. 18 to which he referred. I do not think it was quite as specific as you just made the reference to the thing. As I recall Mr. Strachan's testimony, which is the only thing I can go on, he said that among the other 30 items that he reported from that meeting was one saying the committee now has a sophisticated intelligence operation budgeted at \$300,000.

Senator ERVIN. Now, did Mr. Strachan have a custom of preparing what I call talking papers for you when you were going to have interviews with people?

Mr. HALDEMAN. When I was having meetings with Mr. Mitchell.

Senator ERVIN. Right after the Key Biscayne meeting of March 30, 1972, Mr. Mitchell had an appointment with you, did he not, in the White House?

Mr. HALDEMAN. We met on April 4.

Senator ERVIN. April 4. And Mr. Strachan has testified here that he prepared for you a talking paper mentioning this same subject as something you should make inquiry of Mr. Mitchell about. Now, do you recall that talking paper?

Mr. HALDEMAN. No, I do not in any—not specifically, but Mr. Strachan had a practice of preparing the—a paper that would include his suggestion of items that might—that I might want to raise in meetings with Mr. Mitchell.

Senator ERVIN. Now, I take it you are not denying that he furnished you such a talking paper but you merely state you have no recollection of having seen it. Is that correct?

Mr. HALDEMAN. That is correct.

Senator ERVIN. Senator Gurney.

Mr. HALDEMAN. I might, if I could, Mr. Chairman, just on that same point, however, follow up with the point that in that meeting with Mr. Mitchell, Mr. Strachan in his own testimony said he had no knowledge of what was discussed, that those talking papers were his suggestion of things he thought I might want to raise with Mr. Mitchell. He has no knowledge that I did raise any of them with him, and I do not believe that that was discussed at the meeting of April 4 with

Mr. Mitchell, because that meeting was in conjunction with the meeting Mr. Mitchell and I had with the President the same day at which other matters were discussed relating to the ITT meetings, and the plans that Mr. Mitchell was making for assigning regional campaign responsibility to individuals that he reviewed with the President.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Thank you, Mr. Chairman.

I am sure there are many more questions that could be asked of the witness on various phases in this whole Watergate affair but as I understand this phase, it is restricted to the break-in and the coverup. I think the witness has testified very fully on that. Frankly, I cannot think of any other questions that I could ask him that would shed any more light on those two issues. I think that the central theme of what we are trying to get at in this phase is the involvement or noninvolvement of the President of the United States in the break-in and the coverup, and as I say, I cannot think of a single question to ask the witness on this.

The committee has agreed. I think—we have discussed it in executive session—that it is important to expedite this phase of the hearings so we can get them over, hopefully, next week. My own personal view is that I think these hearings are damaging this Government seriously, the Nation, and also its relations in the world abroad. Therefore, I do not intend to ask any more questions of this witness.

Senator ERVIN. Senator Inouye.

Senator INOUE. Thank you very much, sir.

Mr. Haldeman, just for the record, since there are a few unanswered questions relating to the tapes, will you tell the committee as to who knew about the existence of the recording system in the White House?

Mr. HALDEMAN. Other than the members of the Technical Security Division of the Secret Service, and I do not know who in that organization knew of it, but it was the smallest number of people feasible within the requirements they had technically to conduct the preparation of the tapes and the storage of them.

The only other people that I am aware of that knew of the existence of the tapes at the time I was at the White House were the President, myself, Alex Butterfield, and Mr. Higby. I did not know Mr. Butterfield's secretary was aware of them but I understand he has so testified. I do not believe anyone else did and I do not recall whether Mr. Butterfield has indicated that anyone else did. If he has and if you want to check those names with me, I can confirm my knowledge as to their knowledge.

Senator INOUE. The Director of the Federal Bureau of Investigation—was he aware of this?

Mr. HALDEMAN. Not to my knowledge.

Senator INOUE. Was the Director of the Central Intelligence Agency aware of this?

Mr. HALDEMAN. Not to my knowledge.

Senator INOUE. Did you have a room that was secure, with no recording devices, where Mr. Helms could discuss highly sensitive matters with the President of the United States?

Mr. HALDEMAN. Well, there were only two rooms—excuse me, three, because the Cabinet room also had this capability on a switched-on-and-off basis. The only two rooms which were covered by this taping

Mr. STRACHAN. Well, there was a button on the call director phone that I had which would buzz when I was to pick that line up, and I pushed down the button and began listening to the conversation usually at that time which was already in progress.

Mr. DASH. All right. In this particular case now with a call, I take it, you are testifying to Mr. Mitchell, could you tell us, having picked up the line, what you heard?

Mr. STRACHAN. Well, Mr. Mitchell indicated that he was either going to return or had returned from Florida, and Mr. Haldeman jokingly said, "Well, that is clearly a mistake. You ought to stay down there and vacation some more," and Mr. Mitchell indicated that "Well, we had better get together and talk about some matters." Haldeman asked him if 3 o'clock that day would be convenient.

Mr. DASH. And that day was when?

Mr. STRACHAN. April 4.

Mr. DASH. 1972?

Mr. STRACHAN. 1972.

Mr. DASH. And was there, in fact, a meeting on April 4, 1972, between Mr. Haldeman and Mr. Mitchell?

Mr. STRACHAN. Well, I did not attend the meeting so I could not testify that there was in fact but I prepared a talking paper for the meeting and we would prepare a folder which would include the talking paper, and the talking paper went into his office and came back out afterwards.

Mr. DASH. All right.

Now, in this talking paper, did you include the item of the sophisticated intelligence plan with a budget of \$300,000?

Mr. STRACHAN. Yes. In most talking papers I would frequently pose the question is the intelligence system adequate? Is the proposal on track, just to get the conversation going on the subject, and in this particular one I did include that paragraph.

Mr. DASH. Now, prior to that meeting and when you were preparing that talking paper, was there any other political intelligence plan operative or being considered to your knowledge?

Mr. STRACHAN. No; not to my knowledge.

Mr. DASH. Did you receive back that talking paper after you had given it to Mr. Haldeman?

Mr. STRACHAN. Yes, I did.

Mr. DASH. And to your knowledge, was there any indication as to whether all the items on the talking paper had been discussed?

Mr. STRACHAN. Well, usually if a matter had not been discussed he would indicate that it should be raised again. In this case it was not raised again, indicating that he would have covered the subject.

Mr. DASH. What did you do with that talking paper then when you received it back?

Mr. STRACHAN. I put it back in the file with the political matters memo 18 files.

Mr. DASH. And there was no indication from Mr. Haldeman that he had either not discussed it or it needed any further action on your part?

Mr. STRACHAN. That is correct.

Mr. DASH. Now, did there come a time after that meeting between Mr. Mitchell and Mr. Haldeman, and also in the same month of April,

Mr. DASH. Did you also pull out that memorandum or these little notes that you had taken concerning the communication that you had from Mr. Haldeman to contact Mr. Liddy about his capabilities being switched from Muskie to McGovern?

Mr. STRACHAN. Well, I pulled that document out but I did not take that up to Mr. Haldeman.

Mr. DASH. All right.

Now, what did you believe at that time when you took the document out?

Did you believe that a break-in at the Democratic National Committee headquarters was in fact related to this plan?

Mr. STRACHAN. I didn't know for sure, but I had pretty strong suspicions.

Mr. DASH. Did you meet with Mr. Haldeman shortly after you pulled that file out?

Mr. STRACHAN. Yes, I did.

Mr. DASH. Could you tell us when?

Mr. STRACHAN. I believe it was the morning of June 20. He had returned from Florida, I had given a note to Mr. Higby that I thought I should see Mr. Haldeman. Mr. Haldeman summoned me to his office, and I walked in with the political matters memorandum.

Mr. DASH. I think you had indicated that you were somewhat concerned about Mr. Haldeman's reaction to you about not being informed. Were you still concerned when you met with Mr. Haldeman on June 20?

Mr. STRACHAN. Yes, I was scared to death. I thought I would be fired at that point for not having figured that out.

Mr. DASH. Were you fired or did he berate you?

Mr. STRACHAN. No, he did not berate me. He said almost jokingly, "Well, what do we know about the events over the weekend?" And I was quite nervous and retreated to sort of legal protective terms and I said, "Well, sir, this is what can be imputed to you through me, your agent," and opened the political matters memorandum to the paragraph on intelligence, showed it to him. He acknowledged his check and that he had read that, and said that he had not read the tab, which had been attached, turned, began reading it, said, maybe I should have been reading these, these are quite interesting, and read the tab.

Mr. DASH. What tab was that?

Mr. STRACHAN. That was Sedan Chair II.

Mr. DASH. Then what, if anything, did you tell him or did he tell you after he had gone through this memorandum again?

Mr. STRACHAN. He told me, "Well, make sure our files are clean."

Mr. DASH. What did that mean to you?

Mr. STRACHAN. Well, I went down and shredded that document and others related.

Mr. DASH. Now, did you do that on your own initiative as such, or did you feel that you were making sure that you were following Mr. Haldeman's instruction that you should make sure the files are clean?

Mr. STRACHAN. No, I believed I was following his orders.

Mr. DASH. And you shredded all of No. 18, the political matters memorandum No. 18?

Mr. STRACHAN. That is correct.

Mr. DASH. What about the memorandum that you had made on the communication with regard to Mr. Liddy?

Mr. STRACHAN. Yes, I shredded that also.

Mr. DASH. Were there any other documents that you shredded?

Mr. STRACHAN. Yes, I did go through and make sure our files were clean. I shredded the talking paper between Mr. Haldeman and Mr. Mitchell on April 4, I shredded a reference to Mr. Segretti, I shredded Mr. Segretti's telephone number.

Mr. DASH. What reference was that to Mr. Segretti?

Mr. STRACHAN. Well, there had been a dispute between whether or not Mr. Segretti should continue out in the field functioning somewhat independent. Mr. Magruder wrote a memorandum to Mr. Mitchell entitled "Matter of Potential Embarrassment" in which he described this individual in the field and how that individual should be under the direction of Mr. Liddy. Mr. Mitchell had a copy of that and Mr. Haldeman had a copy of that. And Mr. Haldeman had told me to call up Mr. Segretti and to tell him to expect a call and his directions from Mr. Liddy. I shredded that memorandum also.

Mr. DASH. Were there any other documents that you shredded?

Mr. STRACHAN. Well, we gave the committee a list.

Mr. DASH. You may have stated, but did that include the talking paper that you had prepared for Mr. Haldeman for his meeting with Mr. Mitchell on April 4?

Mr. STRACHAN. Yes, I think I said that that was one of the items.

Mr. DASH. Now, after you shredded these papers on the 20th of June 1972, did you inform anybody that you had done this?

Mr. STRACHAN. Yes, I went over to John Dean's office and gave him a list orally of the documents that I had shredded and told him that those had been Mr. Haldeman's instructions.

Mr. DASH. Why did you inform John Dean?

Mr. STRACHAN. Well, John Dean was, as you know, the counsel to the President and the man who would presumably be handling this problem.

Mr. DASH. Did you inform anybody else?

Mr. STRACHAN. No.

Mr. DASH. Now, have you since had an opportunity to go through the White House records to look at the various memorandums that you have prepared in the past?

Mr. STRACHAN. Yes, I have gone back into an Executive Office Building office, room 522, to go through the files.

Mr. DASH. And did these files still have the political matters memorandum that you had prepared for Mr. Haldeman?

Mr. STRACHAN. Well, they contained all political matters memorandums except No. 18.

Mr. DASH. 18 was missing?

Mr. STRACHAN. That is right.

Mr. DASH. So you reaffirmed the fact that you had destroyed 18?

Mr. STRACHAN. Well, I did not forget that.

Mr. DASH. No. It had not been replaced, anyway?

Mr. STRACHAN. No.

Mr. DASH. Now, later, did you ever inform Mr. Haldeman that you wanted to make sure that the files were clean or that you had destroyed, in fact, the particular files that you were worried about?

Mr. STRACHAN. Yes. On July 1, I was invited to go out with the Presidential party on Air Force One. There were going to be a series of discussions out there with Mr. MacGregor and Mr. Malek regarding

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disbursed. So it is quite possible that he did have it replenished prior to having the cash turned over to LaRue, but I do not believe that he ever reported this fact to me.

In fact, Gordon Strachan's report to me in April of 1973 was that the \$22,000 had not been replaced and that he had delivered only \$328,000 to Mr. LaRue and not the full \$350,000. However, Strachan also told me after his grand jury appearance that he had told them, the grand jury, that he had delivered \$350,000. I said that was contrary to what he had told me and he said he had made a mistake at the grand jury. I urged him to correct it, if that was the case. He told me later he had called Mr. Silbert about the mistake and was told he could correct it before the grand jury. When he appeared at the courthouse to do so, the U.S. attorneys would not let him do it, and instead warned him he had committed perjury, was in serious trouble, should start preparations to go to jail, and should hire a lawyer.

WATERGATE

I had no knowledge of, or involvement in, the planning or execution of the break-in or bugging of the Democratic National Committee headquarters.

To the best of my knowledge, I did not see any material produced by the bugging of the Democratic headquarters.

After the June 17 break-in, I asked Gordon Strachan whether he had had any knowledge of such an operation. He said he had not; but that he realized in thinking back that there had been three "intelligence reports" received by him identified by the code name "Sedan Chair" that said something to the effect that "confidential sources report that * * *". He said he did not at the time know the identity of the confidential sources. He realized after the June 17 break-in, thinking back, that these reports could have been based on the Watergate or some other wiretap source.

I have absolutely no recollection of seeing any such report and it is quite likely that I did not see it even if it was included in a Strachan transmission to me since I rarely, if ever, read through or even looked at all of the materials that he sent in to me in these reports.

I do not recall ever seeing any material identified by the name "Gemstone."

I have no recollection of giving Mr. Strachan instructions to destroy any materials, nor do I recall a later report from Strachan that he had done so or that the files were clean.

Mr. Strachan has made clear in his testimony that he destroyed materials not because he thought the contents concerned criminal activity, but because he felt if they ever became public they would be politically embarrassing. He confirmed that he had reread the contents many times and that they did not suggest any illegality or criminal activity; they suggested matters which, if they became public, would be politically embarrassing.

I should point out that on two occasions in April 1973—once to me, before his grand jury appearance and the other to John Ehrlichman—Strachan listed the areas of what he considered to be tough questions or trouble spots. On neither of these occasions did he men-

fensive and stated that he was merely on his payroll as a consultant because Ehrlichman had so requested. He asked me to determine if Hunt was still on his payroll and I said I would check. Colson also expressed concern over the contents of Hunt's safe. Several weeks later—probably 4 or 5—I learned from Paul O'Brien, who was representing the reelection committee, that he had learned from Mr. Hunt's attorney, Mr. William Bittman, that Hunt and Colson spoke on the telephone over the weekend of June 17-18, and that Hunt had told Colson to get the materials out of his—Hunt's—office safe.

Mr. Hugh Sloan called me to tell me he was worried. At that time I knew of no reason why Mr. Sloan should be worried so I told him not to worry. He told me that he would like to meet with me and I told him that I was trying to find out what had happened and requested we meet in a few days. I do not recall the precise date we did meet.

I next contacted Liddy and asked him to meet with me. He said he would come to my office. As he came into the office I was on my way out. I suggested we take a walk. It was shortly before noon and we walked down 17th Street toward the Corcoran Gallery.

I will try to reconstruct the conversation to the best of my memory. While I cannot recall every detail, I do indeed recall the major items we discussed.

Mr. Liddy told me that the men who had been arrested in the DNC were his men and he expressed concern about them. I asked him why he had men in the DNC and he told me that Magruder had pushed him into doing it. He told me that he had not wanted to do it, but Magruder had complained about the fact that they were not getting good information from a bug they had placed in the DNC sometime earlier. He then explained something about the steel structure of the Watergate Office Building that was inhibiting transmission of the bug and that they had gone into the building to correct this problem. He said that he had reported to Magruder that during the earlier entry of the DNC offices they had seen documents—which I believe he told me were either Government documents or classified documents—and Magruder had told him to make copies of those documents.

Liddy was very apologetic for the fact that they had been caught and that Mr. McCord was involved. He told me that he had used Mr. McCord only because Magruder had cut his budget so badly. I asked him why one of the men had a check from Mr. Howard Hunt and he told me that these men were friends of Hunt and Hunt had put him in touch with them. I do not recall Liddy discussing any further involvement of Hunt, other than Hunt's putting him in touch with the Cubans. I asked him if anyone from the White House was involved and he told me no.

As the conversation ended he again expressed his apology and his concern about the men in jail. I told him I couldn't help and he said he understood. He also told me that he was a soldier and would never talk. He said if anyone wished to shoot him on the street, he was ready. As we parted I said I would be unable to discuss this with him further. He said he understood and I returned to my office.

After returning to my office I arranged a meeting with Ehrlichman in his office for mid-afternoon. Gordon Strachan came to my office shortly after I had met with Liddy. Strachan told me that he had been

instructed by Haldeman to go through all of Mr. Haldeman's files over the weekend and remove and destroy damaging materials. He told me that this material included such matters as memorandums from the reelection committee, documents relating to wiretap information from the DNC, notes of meetings with Haldeman, and a document which reflected that Haldeman had instructed Magruder to transfer his intelligence gathering from Senator Muskie to Senator McGovern. Strachan told me his files were completely clean.

I spoke with Mr. Kleindienst and he told me that both the FBI and the D.C. Metropolitan Police were investigating, and he assumed that the FBI would take full jurisdiction of the case shortly. He also alluded to his encounter with Liddy at Burning Tree Country Club, but did not explain this in full until I later met with him. I do not have a record of when I met with Mr. Kleindienst, but it was either on Monday, the 19th, or the next day. I will describe that meeting shortly.

I met with Ehrlichman in the mid-afternoon and reported in full my conversation with Liddy. I also told Ehrlichman about the earlier meetings I had attended in Mitchell's office in late January and early February and my subsequent conversation with Haldeman. He told me he wanted to meet later with Colson and told me to attend. Ehrlichman also requested that I keep him advised and find out from the Justice Department on what was going on. I did not mention my conversation with Strachan because I assumed that Ehrlichman was aware of this from Haldeman himself.

Later that afternoon I attended a second meeting in Ehrlichman's office with Colson. I recall Ehrlichman asking where Hunt was. I said I had no idea and Colson made a similar statement. At that point, before the meeting had started, Ehrlichman instructed me to call Liddy to have him tell Hunt to get out of the country. I did this, without even thinking. Shortly after I made the call, however, I realized that no one in the White House should give such an instruction and raised the matter. A brief discussion ensued between Ehrlichman and myself. As I recall, Ehrlichman said that he was not a fugitive from justice, so why not. I said that I did not think it was very wise. At this point, Colson chimed in that he also thought it unwise and Ehrlichman agreed. I immediately called Liddy again to retract the request but he informed me that he had already passed the message and it might be too late to retract.

Following this brief telephone skirmish regarding Hunt's travel plans, the meeting turned to Hunt's status at the White House. I had learned from Fred Fielding, who I had asked to check on it, that Hunt had not drawn a check from his White House consultancy since late March of 1972. But as far as I knew, the records indicated that Hunt was still a White House consultant to Colson. After discussions of this by Colson, who at this point was disowning Hunt as a member of his staff, Ehrlichman called Mr. Bruce Kehrli and requested that he bring Hunt's personnel records up to Ehrlichman's office. Before Kehrli arrived, Colson raised the matter of Hunt's safe. Colson, without getting specific, said it was imperative that someone get the contents of Hunt's safe. Colson suggested, and Ehrlichman concurred, that I take custody of the contents of the safe.

10. On or about April 7, 1972 Gordon Liddy showed a budget of \$250,000 to Hugh Sloan, Treasurer of the Finance Committee to Re-elect the President (FCRP). Liddy told Sloan that he would be coming back to Sloan in a day or two to pick up the first cash payment, which was to be \$83,000. Sloan telephoned Magruder, who authorized Sloan to disburse to Liddy the \$83,000 requested. Magruder told Sloan that Magruder was to approve all subsequent disbursements of money to Liddy.

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side. During that period of time, he had established a procedure with Mr. Mitchell of sending down a monthly budget in writing. I inherited that procedure from him and with regard to the operating expenses of the committee, each month, I would send down to the Justice Department a memorandum outlining the projected expenses of the campaign at that point for the following month. Generally, his secretary would call back and say fine. So that anything that fell within that budget would be approved in that kind of way. Any extraordinary item, I would have to call him and call his secretary and ask him.

Mr. DASH. When you said call him, you meant Mr. Mitchell?

Mr. SLOAN. Yes, sir.

Mr. DASH. And his secretary, who would that be?

Mr. SLOAN. Miss Lee Jablonski. What was happening was that Mr. Magruder was meeting with Mr. Mitchell regularly at the Justice Department with regard to planning for the political side of the campaign. During those meetings, he evidently was discussing financial matters, expenditures, and so forth, and getting clearance from Mr. Mitchell to go ahead and make those expenses. Following the strict instructions I had from Mr. Kalmbach, when Mr. Magruder came back to me and said, this has been approved, I would turn around and call back down to the Justice Department. I understand from Lee Jablonski at that point in time that Mr. Mitchell was getting irritated about being double-teamed on the same issue and issued instructions for Mr. Magruder and I to work out the clearance authority for expenditure.

This was resolved in terms of Mr. Magruder saying to me, any time I ask you for money, you can count on the fact that this has Mr. Mitchell's clearance. Conversely, he indicated to me that anything I said with regard to the finance committee, he would assume that I had Mr. Stans' permission. Although Mr. Stans had not come into the campaign at that point, it was known he would be assuming the finance chairmanship.

Mr. DASH. Now, with regard to that \$100,000, approximately, that Porter received, do you know of your own knowledge why he received that money?

Mr. SLOAN. No, sir, I do not.

Mr. DASH. Now, with regard to Mr. Liddy?

Mr. SLOAN. Mr. Liddy's situation is very similar to Mr. Porter's situation.

Mr. DASH. Talking about Mr. Liddy, who is Mr. Liddy?

Mr. SLOAN. Excuse me. Mr. Gordon Liddy was at that period of time, the time he began receiving cash payments, was general counsel to the political committee, the Committee To Re-Elect the President. At a subsequent time, he became general counsel for the Finance Committee To Re-Elect the President.

Mr. DASH. I think the chart shows a total amount of \$199,000. Is that correct, to the best of your recollection?

Mr. SLOAN. To the best of my recollection, yes, sir.

Mr. DASH. Could you review very briefly how that money was paid to him and under what circumstances?

Mr. SLOAN. It was a similar type of arrangement. Mr. Porter had blanket authority from Mr. Magruder to come to me and give me a

figure of how much cash he would need. He generally, up to that time, received funds in the same type of increments as Mr. Porter received them—generally \$10,000 or \$15,000 at a time. There came a time when, it came very close to the April 7 date and I am not positive whether it was before or after and my best recollection would be the chart. He came to me with a budget of \$250,000. He did not release that from his hand; he merely showed me the figure. He said, I will be coming to you for substantial cash payment, the first item of which will be \$83,000 and I would like to pick that up in a day or two.

He said, in the case of these additional expenditures, distributions beyond what I had given him previously, he indicated that the procedure had changed, that I was to clear each and every distribution from that point on with Mr. Magruder. I called Mr. Magruder with regard to this \$250,000 budget. He indicated to me that what Mr. Liddy told me was correct, that I was to go ahead and pay the \$83,000 on request, but that subsequent distributions were to be personally cleared with him by telephone prior to their being made and he wanted at that time to review both the timing and the amount.

Confronted with this, I at that point in time took up with Secretary Stans. I went to see him. I indicated to him that here was a situation where we had a budget running into the post-April 7 period out of pre-April 7 cash funds. I said in my judgment, because I had been sitting on top of the total figures that it seemed to me that the cash distributions were becoming massive and that this particular distribution of \$83,000 was totally out of line with anything we had done before.

At that point in time, I requested that he reconfirm to me Mr. Magruder's authority to make these kinds of decisions and he indicated to me that he would take the matter up with Mr. Mitchell.

He returned from that meeting with Mr. Mitchell and he confirmed that Mr. Magruder continued to have this authority, that I should pay these funds, and with regard to my question of concern about purpose, he said, "I do not want to know and you don't want to know."

Mr. DASH. Now, you have referred in the testimony, Mr. Sloan, to a pre-April 7 period and a post-April 7 period. So that we fully understand what you mean by that, this did refer to a new law, election law?

Mr. SLOAN. Yes, sir.

Mr. DASH. That was passed that took effect as of April 7?

Mr. SLOAN. Yes, sir.

Mr. DASH. Could you very briefly indicate that was the significance of pre-April 7 funding and post-April funding?

Mr. SLOAN. Well, the pre-April 7 period, as I understand it, from certainly the 1968 election and precedent, the interpretation had been put on the Corrupt Practices Act, that prenomination fundraising activities of Presidential candidates were not required to be reported. This made a tremendous difference in terms of the administrative overhead, how many people you had to keep track of, no requirement to have receipts. From an internal standpoint it is obviously a much easier thing to deal with. There was no disclosure.

Mr. DASH. All right.

Now, this quarter-million-dollar project you say Mr. Mitchell approved in Key Biscayne, what was that project specifically as you recall?

Mr. MAGRUDER. It was specifically approved for initial entry into the Democratic National Committee headquarters in Washington, and that at a further date if the funds were available we would consider entry into the Presidential contenders' headquarters and also potential at the Fontainebleau Hotel in Miami.

Mr. DASH. When you returned to Washington, Mr. Magruder, did you communicate to anyone that the Liddy plan on the quarter million dollar budget was approved?

Mr. MAGRUDER. Yes, I attempted to reach Mr. Liddy while I was at Key Biscayne because he had indicated time problems. I was unable to do so, so when I came back to Washington I indicated to Mr. Reisner that Mr. Liddy's project had been approved and would he notify Mr. Liddy? I called Mr. Strachan and indicated to him that the project had been approved, and I indicated to Mr. Sloan that Mr. Liddy would be authorized to draw \$250,000 over the entire period of the campaign but that he probably would need a sizable amount of that initially.

Mr. DASH. Now, when you say that project as approved included the entry of the Democratic National Committee headquarters and perhaps other entries, did that also include the use of electronic surveillance or bugging?

Mr. MAGRUDER. I am sorry?

Mr. DASH. When you said the project that was approved in Key Biscayne—

Mr. MAGRUDER. With Mr. Strachan I discussed it in detail.

Mr. DASH. I am not referring to Mr. Strachan but the project Mr. Mitchell approved in Key Biscayne. I think you said the project included an approval of the entry into the Democratic National Committee headquarters. Did it also include use of electronic surveillance and bugging?

Mr. MAGRUDER. It included electronic surveillance and photography of documents, photographing of documents.

Mr. DASH. Mr. Sloan was told what?

Mr. MAGRUDER. That Mr. Liddy was allowed to draw \$250,000.

Mr. DASH. But Mr. Strachan was given a fairly complete report on what was approved.

Mr. MAGRUDER. Yes.

Mr. DASH. Do you recall Mr. Sloan questioning an initial large sum of money, \$83,000 which Mr. Liddy requested after the approval of the plan?

Mr. MAGRUDER. Yes.

Mr. DASH. Could you tell us what happened and how that was resolved?

Mr. MAGRUDER. Well, he had called me and said that Mr. Liddy wanted a substantial sum at that time, I did not recall the amount, but Mr. Sloan indicates it is \$83,000 and I would assume he is correct. I indicated that Mr. Liddy did have that approval. Mr. Sloan evidently then went to Mr. Stans. Mr. Stans went to Mr. Mitchell. Mr. Mitchell came back to me and said why did Gordon need this much money and I explained to him this was in effect front-end money that he needed

for the equipment, and the early costs of getting this kind of an operation together. Mr. Mitchell understood, evidently told Mr. Stans it had been approved and the approval was complete.

Mr. DASH. Did you receive, Mr. Magruder, any progress reports after the approval by Mr. Liddy?

Mr. MAGRUDER. No, I did not.

Mr. DASH. Did you know that there was to be an entry in the Democratic National Committee headquarters?

Mr. MAGRUDER. Well, I assumed that it would be. I did not know specifically when Mr. Liddy would do that, as I recall. I do not remember that he discussed the exact date with me, no.

Mr. DASH. Well, do you recall a discussion that you had with Mr. Liddy concerning an effort to enter the McGovern headquarters?

Mr. MAGRUDER. Yes. I think after the, as I recall, it was after the first entry of the DNC headquarters, Mr. Strachan and I were in my office and Mr. Liddy came in, not in a formal meeting sense, just came in and indicated that he had had trouble the night before, that they tried to do a survey of the McGovern headquarters and Mr. Liddy indicated that to assist this he had shot a light out. At that time both Mr. Strachan and I both become very concerned because we understood from Mr. Liddy that he would not participate himself nor would anyone participate in his activities that could be in any way connected with our committee.

Mr. DASH. Now, after this entry into the Democratic National Committee headquarters, which you have testified to before this committee, which occurred on May 27, or around Memorial Day weekend of 1972, did Mr. Liddy report that to you?

Mr. MAGRUDER. Yes.

Mr. DASH. And what did Mr. Liddy tell you when he reported that?

Mr. MAGRUDER. He simply indicated that he had made a successful entry and had placed wiretapping equipment in the Democratic National Committee.

Mr. DASH. Did he report to you at all that he had a monitoring station at the Howard Johnson motel across the street?

Mr. MAGRUDER. My understanding, my recollection was that he had it in the truck somewhere but I guess he did not. That is, my recollection was that it was in the truck but I gather it was in the Howard Johnson.

Mr. DASH. Were you aware at any time of Mr. Baldwin's participation in this?

Mr. MAGRUDER. No, sir.

Mr. DASH. When did you get any of the fruits or the results of this bugging and photography operation?

Mr. MAGRUDER. Approximately a week, a week and a half after the initial entry we received. I received, the first reports; they were in two forms, one was recapitulation of the telephone conversations. They were done in a form in which you would know they were telephone conversations but they were not direct references to the phone conversations. And the second, photography, the pictures of documents that they had taken at the Democratic National Committee headquarters.

Mr. DASH. Was there any special feature about these photographs?

11. On or about April 7, 1972 Sloan met with Maurice Stans, Chairman of FCRP. Sloan told Stans that Magruder had approved a cash disbursement of \$83,000 to Liddy. Stans met with Mitchell to confirm Magruder's authority to authorize the requested disbursement. Mitchell told Stans that Magruder had the authority to authorize expenditures to Liddy. Stans then met with Sloan and confirmed Magruder's authority to approve the disbursement of funds to Liddy. Stans has testified that when asked by Sloan the purpose for which the money was to be expended, he replied, "I don't know what's going on in this campaign and I don't think you ought to try to know."

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side. During that period of time, he had established a procedure with Mr. Mitchell of sending down a monthly budget in writing. I inherited that procedure from him and with regard to the operating expenses of the committee, each month, I would send down to the Justice Department a memorandum outlining the projected expenses of the campaign at that point for the following month. Generally, his secretary would call back and say fine. So that anything that fell within that budget would be approved in that kind of way. Any extraordinary item, I would have to call him and call his secretary and ask him.

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Mr. SLOAN. Yes, sir.

Mr. DASH. And his secretary, who would that be?

Mr. SLOAN. Miss Lee Jablonski. What was happening was that Mr. Magruder was meeting with Mr. Mitchell regularly at the Justice Department with regard to planning for the political side of the campaign. During those meetings, he evidently was discussing financial matters, expenditures, and so forth, and getting clearance from Mr. Mitchell to go ahead and make those expenses. Following the strict instructions I had from Mr. Kalmbach, when Mr. Magruder came back to me and said, this has been approved, I would turn around and call back down to the Justice Department. I understand from Lee Jablonski at that point in time that Mr. Mitchell was getting irritated about being double-teamed on the same issue and issued instructions for Mr. Magruder and I to work out the clearance authority for expenditure.

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Mr. SLOAN. Mr. Liddy's situation is very similar to Mr. Porter's situation.

Mr. DASH. Talking about Mr. Liddy, who is Mr. Liddy?

Mr. SLOAN. Excuse me. Mr. Gordon Liddy was at that period of time, the time he began receiving cash payments, was general counsel to the political committee, the Committee To Re-Elect the President. At a subsequent time, he became general counsel for the Finance Committee To Re-Elect the President.

Mr. DASH. I think the chart shows a total amount of \$199,000. Is that correct, to the best of your recollection?

Mr. SLOAN. To the best of my recollection, yes, sir.

Mr. DASH. Could you review very briefly how that money was paid to him and under what circumstances?

Mr. SLOAN. It was a similar type of arrangement. Mr. Porter had blanket authority from Mr. Magruder to come to me and give me a

figure of how much cash he would need. He generally, up to that time, received funds in the same type of increments as Mr. Porter received them—generally \$10,000 or \$15,000 at a time. There came a time when, it came very close to the April 7 date and I am not positive whether it was before or after and my best recollection would be the chart. He came to me with a budget of \$250,000. He did not release that from his hand; he merely showed me the figure. He said, I will be coming to you for substantial cash payment, the first item of which will be \$83 000 and I would like to pick that up in a day or two.

He said, in the case of these additional expenditures, distributions beyond what I had given him previously, he indicated that the procedure had changed, that I was to clear each and every distribution from that point on with Mr. Magruder. I called Mr. Magruder with regard to this \$250,000 budget. He indicated to me that what Mr. Liddy told me was correct, that I was to go ahead and pay the \$83,000 on request, but that subsequent distributions were to be personally cleared with him by telephone prior to their being made and he wanted at that time to review both the timing and the amount.

Confronted with this, I at that point in time took up with Secretary Stans. I went to see him. I indicated to him that here was a situation where we had a budget running into the post-April 7 period out of pre-April 7 cash funds. I said in my judgment, because I had been sitting on top of the total figures that it seemed to me that the cash distributions were becoming massive and that this particular distribution of \$83,000 was totally out of line with anything we had done before.

At that point in time, I requested that he reconfirm to me Mr. Magruder's authority to make these kinds of decisions and he indicated to me that he would take the matter up with Mr. Mitchell.

He returned from that meeting with Mr. Mitchell and he confirmed that Mr. Magruder continued to have this authority, that I should pay these funds, and with regard to my question of concern about purpose, he said, "I do not want to know and you don't want to know."

Mr. DASH. Now, you have referred in the testimony, Mr. Sloan, to a pre-April 7 period and a post-April 7 period. So that we fully understand what you mean by that, this did refer to a new law, election law?

Mr. SLOAN. Yes, sir.

Mr. DASH. That was passed that took effect as of April 7?

Mr. SLOAN. Yes, sir.

Mr. DASH. Could you very briefly indicate that was the significance of pre-April 7 funding and post-April funding?

Mr. SLOAN. Well, the pre-April 7 period, as I understand it, from certainly the 1968 election and precedent, the interpretation had been put on the Corrupt Practices Act, that prenomination fundraising activities of Presidential candidates were not required to be reported. This made a tremendous difference in terms of the administrative overhead, how many people you had to keep track of, no requirement to have receipts. From an internal standpoint it is obviously a much easier thing to deal with. There was no disclosure.

Mr. DASH. All right.

Now, this quarter-million-dollar project you say Mr. Mitchell approved in Key Biscayne, what was that project specifically as you recall?

Mr. MAGRUDER. It was specifically approved for initial entry into the Democratic National Committee headquarters in Washington, and that at a further date if the funds were available we would consider entry into the Presidential contenders' headquarters and also potential at the Fontainebleau Hotel in Miami.

Mr. DASH. When you returned to Washington, Mr. Magruder, did you communicate to anyone that the Liddy plan on the quarter million dollar budget was approved?

Mr. MAGRUDER. Yes, I attempted to reach Mr. Liddy while I was at Key Biscayne because he had indicated time problems. I was unable to do so, so when I came back to Washington I indicated to Mr. Reisner that Mr. Liddy's project had been approved and would he notify Mr. Liddy? I called Mr. Strachan and indicated to him that the project had been approved, and I indicated to Mr. Sloan that Mr. Liddy would be authorized to draw \$250,000 over the entire period of the campaign but that he probably would need a sizable amount of that initially.

Mr. DASH. Now, when you say that project as approved included the entry of the Democratic National Committee headquarters and perhaps other entries, did that also include the use of electronic surveillance or bugging?

Mr. MAGRUDER. I am sorry?

Mr. DASH. When you said the project that was approved in Key Biscayne—

Mr. MAGRUDER. With Mr. Strachan I discussed it in detail.

Mr. DASH. I am not referring to Mr. Strachan but the project Mr. Mitchell approved in Key Biscayne. I think you said the project included an approval of the entry into the Democratic National Committee headquarters. Did it also include use of electronic surveillance and bugging?

Mr. MAGRUDER. It included electronic surveillance and photography of documents, photographing of documents.

Mr. DASH. Mr. Sloan was told what?

Mr. MAGRUDER. That Mr. Liddy was allowed to draw \$250,000.

Mr. DASH. But Mr. Strachan was given a fairly complete report on what was approved.

Mr. MAGRUDER. Yes.

Mr. DASH. Do you recall Mr. Sloan questioning an initial large sum of money, \$83,000 which Mr. Liddy requested after the approval of the plan?

Mr. MAGRUDER. Yes.

Mr. DASH. Could you tell us what happened and how that was resolved?

Mr. MAGRUDER. Well, he had called me and said that Mr. Liddy wanted a substantial sum at that time, I did not recall the amount, but Mr. Sloan indicates it is \$83,000 and I would assume he is correct. I indicated that Mr. Liddy did have that approval. Mr. Sloan evidently then went to Mr. Stans. Mr. Stans went to Mr. Mitchell. Mr. Mitchell came back to me and said why did Gordon need this much money and I explained to him this was in effect front-end money that he needed

for the equipment, and the early costs of getting this kind of an operation together. Mr. Mitchell understood, evidently told Mr. Stans it had been approved and the approval was complete.

Mr. DASH. Did you receive, Mr. Magruder, any progress reports after the approval by Mr. Liddy?

Mr. MAGRUDER. No, I did not.

Mr. DASH. Did you know that there was to be an entry in the Democratic National Committee headquarters?

Mr. MAGRUDER. Well, I assumed that it would be. I did not know specifically when Mr. Liddy would do that, as I recall. I do not remember that he discussed the exact date with me, no.

Mr. DASH. Well, do you recall a discussion that you had with Mr. Liddy concerning an effort to enter the McGovern headquarters?

Mr. MAGRUDER. Yes. I think after the, as I recall, it was after the first entry of the DNC headquarters, Mr. Strachan and I were in my office and Mr. Liddy came in, not in a formal meeting sense, just came in and indicated that he had had trouble the night before, that they tried to do a survey of the McGovern headquarters and Mr. Liddy indicated that to assist this he had shot a light out. At that time both Mr. Strachan and I both become very concerned because we understood from Mr. Liddy that he would not participate himself nor would anyone participate in his activities that could be in any way connected with our committee.

Mr. DASH. Now, after this entry into the Democratic National Committee headquarters, which you have testified to before this committee, which occurred on May 27, or around Memorial Day weekend of 1972, did Mr. Liddy report that to you?

Mr. MAGRUDER. Yes.

Mr. DASH. And what did Mr. Liddy tell you when he reported that?

Mr. MAGRUDER. He simply indicated that he had made a successful entry and had placed wiretapping equipment in the Democratic National Committee.

Mr. DASH. Did he report to you at all that he had a monitoring station at the Howard Johnson motel across the street?

Mr. MAGRUDER. My understanding, my recollection was that he had it in the truck somewhere but I guess he did not. That is, my recollection was that it was in the truck but I gather it was in the Howard Johnson.

Mr. DASH. Were you aware at any time of Mr. Baldwin's participation in this?

Mr. MAGRUDER. No, sir.

Mr. DASH. When did you get any of the fruits or the results of this bugging and photography operation?

Mr. MAGRUDER. Approximately a week, a week and a half after the initial entry we received, I received, the first reports: they were in two forms, one was recapitulation of the telephone conversations. They were done in a form in which you would know they were telephone conversations but they were not direct references to the phone conversations. And the second, photography, the pictures of documents that they had taken at the Democratic National Committee headquarters.

Mr. DASH. Was there any special feature about these photographs?

Mr. EDMISTEN. And then during his tenure in the finance committee you relied upon his advice a great deal.

Mr. STANS. I relied upon his legal advice a great deal.

Mr. EDMISTEN. Right.

Did he give you the advice regarding the pre-April 7 contributions and those after? Did you rely upon his legal advice?

Mr. STANS. Yes, as one of the sources of legal advice I did rely on his.

Mr. EDMISTEN. Were you aware that he was receiving cash from Mr. Bart Porter and Mr. Hugh Sloan?

Mr. STANS. Prior to April 7 I was aware that he had received cash on some occasions. I was not aware of the amounts in total or on any one occasion, and I was not aware that the total was anywhere as large as it was. I thought it consisted of relatively small amounts of money. I had heard at one point or another that Mr. Liddy was receiving money for use in the primaries.

Mr. EDMISTEN. That is the only reason that you had knowledge of what was brought to your attention?

Mr. STANS. It was one of the things that was mentioned at one time or another.

Mr. EDMISTEN. I am sure, Mr. Stans, that you are familiar with Mr. Sloan's testimony before this committee that he discussed with you a payment of \$83,000 to Mr. Liddy. Now, what is your testimony on that transaction?

Mr. STANS. Somewhere around the 6th of April Mr. Sloan came to me and said that Gordon Liddy wanted a very substantial amount of money. I don't recall the amount he named and last August, which was much closer to the time, I recalled in testifying in a deposition to the Federal district attorney's office that I thought the amount was \$30,000 but I recalled that only vaguely. In any event I don't think the amount is very important. Mr. Sloan said, "Liddy wants a substantial amount of money. Should I give it to him?"

And I said, "I don't know. I will find out from John Mitchell." I will quote my conversation with John Mitchell as best I can paraphrase it. It is not precise. But I saw John Mitchell a relatively short time after and said, "Sloan tells me that Gordon Liddy wants a substantial amount of money. What is it all about?"

And John Mitchell's reply was, "I don't know. He will have to ask Magruder because Magruder is in charge of the campaign and he directs the spending."

I said, "Do you mean, John, that if Magruder tells Sloan to pay these amounts or any amounts to Gordon Liddy that he should do so?" and he said, "That is right."

Now, that is my recollection in a paraphrase of the discussion that took place. I went back to Sloan and reported it to him and found out that he had already talked to Magruder and had the same information.

Mr. EDMISTEN. Now, let's go through the transaction that Mr. Sloan testified to here with reference to payment of cash to Mr. Herbert Porter after April 7. Did he have a conversation with you?

Mr. STANS. I would like to go back to the previous answer and add one more point.

Apparently, from the testimony, Mr. Liddy showed Mr. Sloan a budget of \$250,000 against which he intended to draw. To the best of

Mr. STANS. Before I answer that, may I say that with respect to the meeting with Mr. Mitchell on the 24th, I have checked my records last night and I do not have any record of a meeting with Mr. Mitchell on the 24th of June. Now, that does not mean that I may have met him in the hall, the building, on the street, or even dropped in his office, but I have no record of this meeting having taken place.

I did have lunch with Mr. Mitchell in his office on the 23d.

Now, with respect to the remark that was made after I checked with Mitchell about the authority of Magruder to ask Sloan to make payments to Liddy, I recall the occasion but that was not the whole conversation, and I am not quite sure that it is entirely accurate but it is the substance of what was said. But last week when Mr. Sloan testified he also put that remark in a much larger context and that context was much broader than the matter of payments to Liddy and it was quite accurate. As I recall, he said the context was one of total frustration that I had and he had with the spending program of the campaign committee.

At that point we had received a budget of \$34 million and it was incomplete on its face because some items were not priced out. It meant they were going to spend \$40 million. I had argued when I came on the committee and even before, that the campaign ought to run, with the President in office, for \$25 or \$30 million. It was evident we were in a situation in which the campaign committee was calling all the signals, was making all the commitments. We really had nothing to say about it, and it was one, as I said, of total frustration with the whole situation. I threw up my hands, and I say that literally and I think Mr. Sloan quoted that specifically, that we were just not going to have any influence in this situation.

The remark I made, and I cannot quote it precisely, was something to the effect that "I don't know what's going on in this campaign and I don't think you ought to try to know." We were the cashiers, we received the money, and we paid the bills. They had the responsibility for everything they did. If they did it right they got the credit. If they did it wrong they got the blame and it did not seem that it was incumbent upon us to question the propriety of any payment, whether it was to Mr. Liddy or anybody else, and we did not.

Senator INOUE. Wasn't this rather uncharacteristic of your background, sir, as one who had received all of the honors that a certified public accountant can ever hope to get, one who has been described as having an accountant's mentality, one who is a stickler for details, one who insists upon putting the right notes on the debit side and the right notes on the asset side, that you would put up your hand and say "I do not want to know?"

Mr. STANS. It was uncharacteristic of my background as an accountant but it was not uncharacteristic of the responsibilities I had in this campaign which had absolutely nothing to do with accounting. My job was to raise an unbelievable amount of money, \$40 million or more.

Senator INOUE. And you were not curious about how these funds were being spent especially since you read in the paper about the break-in on the 18th, you heard about the accounts of the Dahlberg money on the 23d, you read about it in the paper, and then you heard about Mr. McCord being one of those arrested, weren't you a bit suspicious?

Mr. MITCHELL. Well, I don't think Mr. LaRue was very enthusiastic about this project and I think he concurred in the fact that it should not be approved.

Mr. DASH. Now, if Mr. Magruder didn't come away with the idea that you had approved it and nevertheless, very shortly after he returned, set it in motion by approving the payment to Mr. Liddy of funds to carry out this plan, do you have any idea who above you could have given him authority to do this?

Mr. MITCHELL. Well, Mr. Dash, I don't know whether it would be above me, but there could very well have been pressures that came from collateral areas in which they decided that this was the thing to do. I can't speculate on who they might be. I am sure that there could be such pressures.

Mr. DASH. Generally, though, from your knowledge of Mr. Magruder and the working of Mr. Magruder, would Mr. Magruder on his own undertake to carry out this plan?

Mr. MITCHELL. You are asking for an opinion again.

Mr. DASH. An opinion, yes.

Mr. MITCHELL. I think it is a matter of degree, Mr. Dash. I think you will find when you get into your additional investigations that there were a lot of activities in the so-called dirty tricks department and so forth that were carried on without my knowledge by the gentlemen who were at the committee. So, it is a matter of degree.

Mr. DASH. Well, a matter of degree. But here, although Mr. Magruder had a continuing authority to approve expenditures, if Mr. Magruder actually knew that you had barred or rejected a particular program, would you expect Mr. Magruder to approve the payment of a quarter of a million dollars to Mr. Liddy for that program?

Mr. MITCHELL. I don't believe that Mr. Magruder paid a quarter of a million dollars to Liddy.

Mr. DASH. Well, approved—

Mr. MITCHELL. What he had done was continue what he had been doing before, made payments along the way to Liddy for Liddy's intelligence-gathering activities.

Mr. DASH. Well, that is not according to Mr. Magruder's testimony. According to Mr. Magruder's testimony, he had given this money not for general intelligence activity, but the so-called Liddy plan.

Mr. MITCHELL. Oh, you are talking about the later date?

Mr. DASH. Yes. Would you expect, taking as a matter of degree, that Mr. Magruder may have acted on his own? Having your rejection to a particular program, would you have expected Mr. Magruder to have approved the expenditures of large sums of money?

Mr. MITCHELL. I certainly would not have expected it, Mr. Dash, no.

Mr. DASH. Now, shortly, and I think again this is a restatement of what occurred, shortly after the March 30 meeting in Key Biscayne, Liddy in April did ask for an initial payment from Mr. Sloan on a quarter million dollar budget. Mr. Sloan has so testified that Liddy asked that the initial payment be \$83,000. Were you aware of that request of Mr. Liddy's?

Mr. MITCHELL. I am not aware of the request, Mr. Dash, with respect to the dollar amount, and I am sure that the committee recalls the dialogue from Sloan to Stans to Mitchell to Stans to Sloan with respect

to it in which amounts were not discussed. It was a question of did Magruder have continuing authorization to authorize expenditures, and of course, the answer was yes.

Mr. DASH. Well, it is more in direct disagreement with Mr. Sloan's testimony or Mr. Stans' testimony, but according to Mr. Sloan's testimony, he was quite concerned about the sizable amount, \$83,000, and went to Mr. Stans to see if Mr. Magruder had such authority and then Mr. Stans went to you. According to the testimony of Mr. Stans, on May 16, for the record—just paraphrasing it—Mr. Stans, although not meaning a particular amount, asked whether, if any amount that Mr. Magruder wanted to give Mr. Liddy would be all right, and that you had said yes.

Mr. MITCHELL. I said that Magruder had continuing authority to authorize expenditures of money. Up until that time, I guess he had expended \$3 or \$3½ million.

Mr. DASH. But did you recall that in this particular case, Mr. Stans was asking you about Liddy?

Mr. MITCHELL. I don't have that recollection on the issue of Magruder's continuing authority, but I would not challenge or dispute Mr. Stans' statement on the subject.

Mr. DASH. Well, that was his testimony. Now, you had just had a meeting with Mr. Magruder on March 30, in which Mr. Magruder was asking you to approve a quarter million dollar plan that would authorize giving Liddy this kind of money. Your statement now, then, is that you did tell Mr. Stans that Mr. Magruder could pay Mr. Liddy any sum of money that Mr. Magruder wanted to pay him.

Mr. MITCHELL. Don't put it in the context of any sum of money. It was a fact that existed, Mr. Dash, in connection with Liddy had been in the intelligence and information gathering field. I think Mr. Stans has testified up here that to that time, he had been authorized \$125,000 and it is again in the context of the fact that Magruder had continuing authority to authorize moneys and Mr. Stans said, with respect to Liddy, I can take it on the same basis to authorize money in connection with the ongoing programs that Liddy had been carrying out.

Mr. DASH. That would be true, Mr. Mitchell, in the abstract.

Mr. MITCHELL. Well, this is the abstract, Mr. Dash, because there were no sums involved and none discussed, and this has been the testimony.

Mr. DASH. Well, Mr. Stans felt it necessary to come back to you and this was shortly after you were aware that Mr. Liddy was seeking to get approval of a plan for a quarter of a million dollars.

Mr. MITCHELL. No, we had had no discussion whatsoever with respect to approval of a Liddy plan of a quarter of a million dollars, and Mr. Stans has testified that he never heard about it. And I am so testifying that I never heard about it in connection with the discussion of whether or not the authorization from Magruder to Liddy had anything to do with a quarter of a million dollar plan.

Mr. DASH. But shortly after the March 30 meeting, you were being asked by Mr. Stans if Mr. Magruder could pay sizable amounts to Mr. Liddy?

Mr. MITCHELL. No, there weren't any sizable amounts. We didn't talk about numbers, we didn't talk about sizable amounts at all. What we talked about was did Magruder have continuing authorization, Stans said, to provide money to Liddy. I say continuing authorization and it is still the fact that it is continuing authorization to Liddy. We are not talking about a quarter of a million dollars, we are not talking about sizable amounts, we are talking about what was conceived to be an ongoing program that had already expended \$125,000.

Mr. DASH. Just one last question on this, Mr. Mitchell. Then why was it necessary for Mr. Stans to come to you if it was not a sizable amount involved?

Mr. MITCHELL. Mr. Stans has already testified that he didn't know the amount involved and didn't discuss it with me.

Mr. DASH. I think Mr. Stans' testimony is that he asked you if any amounts were to be paid by Mr. Liddy, would that be all right?

Mr. MITCHELL. I do not recall on that basis, Mr. Dash.

Mr. DASH. Let me just read to you, Mr. Mitchell, Mr. Stans' testimony on page 1644.

"I said"—meaning Mr. Stans—"you mean, John, that if Magruder tells Sloan to pay these amounts to Gordon Liddy that he should do so? And he said, that is right."

Mr. MITCHELL. Would you go back and pick it up so I can hear the prior testimony?

Mr. DASH. Let me just go back.

"I will quote the conversation with John Mitchell as best as I can paraphrase it. It is not precise. But I saw John Mitchell a relatively short time after and said, Sloan tells me that Gordon Liddy wants a substantial amount of money. What is it all about?

"And John Mitchell's reply was, I do not know. We will have to ask Magruder, because Magruder is in charge of the campaign and he directs the spending."

Mr. Stans said, "I said, do you mean, John, that if Magruder tells Sloan to pay these amounts or any amounts to Gordon Liddy, that he should do so? And he said, that is right."

Mr. MITCHELL. Well, I would respectfully disagree with Mr. Stans on the fact of substantial amounts or that the discussions had to do with respect to the authorization by Magruder in the continuity of the way he had been acting. This was as I was coming aboard in connection with the campaign.

Mr. DASH. Now, Mr. Mitchell, were you aware that on or about May 27, 1972, there was in fact a break-in of the Democratic National Committee headquarters at the Watergate?

Mr. MITCHELL. No, sir.

Mr. DASH. And did you know of the code name, "Gemstone" or any of the wiretap proofs that came from the break-in?

Mr. MITCHELL. Not until a great deal later down the road, Mr. Dash.

Mr. DASH. When you say that, how far down the road?

Mr. MITCHELL. I am not quite certain. I believe it would be substantially down the road.

Mr. DASH. Before June 17 or after June 17?

Mr. MITCHELL. Oh, much after June 17.

12. On or about April 12, 1972 Gordon Liddy gave James McCord, security consultant for CRP, \$65,000 for purchasing electronic equipment and for related purposes.

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Mr. McCORD. Yes, approximately \$2,000 a month during the period of time that the operation was underway.

Senator GURNEY. And that began when?

Mr. McCORD. April 1972.

Senator GURNEY. And how was that paid?

Mr. McCORD. In cash by Mr. Liddy.

Senator GURNEY. How many of those payments did you receive?

Mr. McCORD. There were payments through June. I think they totaled approximately \$16,000. I do not recall specifically, but I have the notes here if I may refer to them.

Senator GURNEY. Now, then, would you describe to the committee the other pay arrangements after the break-in and after you were apprehended?

Mr. McCORD. Yes, sir. The payments were made by Mrs. Hunt.

Senator GURNEY. In what amounts and at what time?

Mr. McCORD. Calls came to me by Mr. and Mrs. Hunt in July.

Senator GURNEY. How much?

Mr. McCORD. We were paid in cash. There was a lump-sum payment in August—in July of 1972—for 5 months "salary," in quotes, at \$3,000 a month, total of \$15,000, and subsequently legal fees.

Senator GURNEY. And when was that?

Mr. McCORD. In November, as I recall it, of 1972, and subsequently—

Senator GURNEY. And how much was that?

Mr. McCORD. Total of \$25,000 for legal fees.

Senator GURNEY. That was November, then?

Mr. McCORD. Yes.

Senator GURNEY. Go on.

Mr. McCORD. And then again in November, 2 months payment of \$3,000 each, a total of \$6,000.

Senator GURNEY. So it was \$15,000, \$25,000, and \$6,000; is that correct?

Mr. McCORD. That is correct.

Senator GURNEY. And those all came from Mrs. Hunt?

Mr. McCORD. That is correct.

Senator GURNEY. Did anybody else pay you any cash?

Mr. McCORD. No.

Senator GURNEY. How much did you pay your lawyer?

Mr. McCORD. Approximately \$30,000.

Senator GURNEY. Thirty?

Mr. McCORD. Thirty, yes, sir.

Senator GURNEY. Were there any other payments?

Mr. McCORD. There were other payments to another lawyer which I had and Mr. Rothblatt, which I made some payments to.

Senator GURNEY. I don't particularly want to pry into that unless you want to give the information?

Mr. McCORD. Whichever you prefer.

Senator GURNEY. I am interested in some other payments, though. Weren't there payments made as far as either purchase of equipment or expenses in connection with the electronic business?

Mr. McCORD. Oh, yes. I testified to that in executive session, sir, in which there was a total received of approximately \$6,000, I believe, a total of \$76,000 in all for equipment and other related costs, \$61,000

as an initial payment and about \$4,000 subsequent—\$5,000 subsequently for additional equipment purchases.

Senator GURNEY. Now, did you say 61 and 5?

Mr. McCORD. Yes, sir.

Senator GURNEY. I thought you said—

Mr. McCORD. There is a total of \$76,000 in all, which covered all payments for all purposes prior to June 17, 1972.

Senator GURNEY. There was another \$10,000 payment later?

Mr. McCORD. No sir, there was an initial \$61,000 plus \$5,000 for equipment, plus another \$11,000 subsequently, but a total of \$76,000 prior to June 17, 1972.

Senator GURNEY. Now, I do not want to quibble, but I have 61, 5, and 11.

Mr. McCORD. That is a total of \$76,000.

Senator GURNEY. Seventy-seven that brings to me. A total of \$77,000?

Mr. McCORD. Sixty-one—I am sorry, sir; 61 and 4 are 65 and 11—the total amount was \$76,000. I will get the figures.

Senator GURNEY. Sixty-one, 4, and 11, is that it?

Mr. McCORD. I can recite them for you. April 12, \$61,000 plus \$4,000, a total of \$65,000; May 8, \$4,000; Memorial Day weekend, two \$1,000 amounts; in June, \$5,000. A total after May 8th of \$11,000. The total of that is \$76,000.

Senator GURNEY. Now, then, how was this disbursed?

Mr. McCORD. In cash by Mr. Liddy.

Senator GURNEY. I mean how did you spend it?

Mr. McCORD. Would you like the expenditures? They were expended in cash for the most part. There were some by check for some walkie-talkie equipment.

Senator GURNEY. Do you have a detailed account of how you spent it?

Mr. McCORD. Oh, yes.

Senator GURNEY. Do you have it with you?

Mr. McCORD. Yes sir.

Senator GURNEY. Is it a long one? Will it take some time?

Mr. McCORD. Yes sir, it is rather lengthy. I can read it if you want.

Senator GURNEY. I wonder then, Mr. Chairman, if we could receive that for the record. I do not really see any point in going all through that.

Senator ERVIN. If you will let the committee have the account, we will make a copy and return your original to you.

Mr. McCORD. All right, sir, we can do that.*

Senator GURNEY. But my understanding is that the account which you are going to present the committee shows the complete disbursement and spending for \$77,000, is that correct?

Mr. McCORD. \$76,000, sir, as I recall it.

Senator GURNEY. \$76,000?

Mr. McCORD. That is correct. There were budget receipts and so on that were prepared on this and were shown to Mr. Liddy, referring for all the payments.

*See p. 448.

By JAMES W. McCORD, Jr.

ACCOUNTING OF HOW \$76,000 WAS SPENT

Reconstruction of Technical Equipment and Related Receipts and Expenditures,
Approximations

Receipts:	Amount
April 12, 1972.....	\$65,000
May 8, 1972.....	4,000
May 26, 27, 1972.....	2,000
June 1972.....	5,000
Total receipts.....	76,000
Expenditures:	
Equipment:	
Bell and Howell Co., Conn.....	3,800
Watkins Johnson Co., Rockville.....	3,500
Stevens Laboratory, Chicago.....	5,400
Miles Wireless Guitar Co., New York City.....	3,000
Unidentified company, New York City—purchase of 1 transmitter.....	1,000
Unidentified company, Chicago—purchase of 1 brief- case recorder.....	700
Olden Optical Co., New York City (\$700 plus \$400)....	1,100
Business Equipment Center, Washington, D.C.....	2,000
Hechingers, Washington area stores.....	500
Lafayette Radio, Washington and Maryland area stores.....	1,000
Miscellaneous purchases, tools and equipment, Wash- ington, D.C., Chicago, and New York City.....	12,750
Unidentified store, New York City—recorders.....	700
Unidentified store, New York City—recorders and accessories.....	2,600
Total.....	38,050
Truck.....	4,500
Rentals:	
Howard Johnson Motel.....	900
Gatti Mortgage Co.....	1,750
Total.....	2,650
Overhead.....	12,000
Subtotal.....	57,200
Balance remaining, used for legal fees.....	18,800
Total expenditures.....	76,000

(448)

13. In April 1972 Assistant to the President H. R. Haldeman met with Gordon Strachan and instructed Strachan to contact Gordon Liddy and advise him to transfer whatever "capability" he had from the presidential campaign of Senator Edmund Muskie to the campaign of Senator George McGovern. Strachan met with Liddy in Strachan's White House office and told Liddy of Haldeman's desire to have Liddy's "capability" transferred from the Muskie campaign to the McGovern campaign. Haldeman has testified that he does not recall giving Strachan that instruction.

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Mr. STRACHAN. Well, there was a button on the call director phone that I had which would buzz when I was to pick that line up, and I pushed down the button and began listening to the conversation usually at that time which was already in progress.

Mr. DASH. All right. In this particular case now with a call, I take it, you are testifying to Mr. Mitchell, could you tell us, having picked up the line, what you heard?

Mr. STRACHAN. Well, Mr. Mitchell indicated that he was either going to return or had returned from Florida, and Mr. Haldeman jokingly said, "Well, that is clearly a mistake. You ought to stay down there and vacation some more," and Mr. Mitchell indicated that "Well, we had better get together and talk about some matters." Haldeman asked him if 3 o'clock that day would be convenient.

Mr. DASH. And that day was when?

Mr. STRACHAN. April 4.

Mr. DASH. 1972?

Mr. STRACHAN. 1972.

Mr. DASH. And was there, in fact, a meeting on April 4, 1972, between Mr. Haldeman and Mr. Mitchell?

Mr. STRACHAN. Well, I did not attend the meeting so I could not testify that there was in fact but I prepared a talking paper for the meeting and we would prepare a folder which would include the talking paper, and the talking paper went into his office and came back out afterwards.

Mr. DASH. All right.

Now, in this talking paper, did you include the item of the sophisticated intelligence plan with a budget of \$300,000?

Mr. STRACHAN. Yes. In most talking papers I would frequently pose the question is the intelligence system adequate? Is the proposal on track, just to get the conversation going on the subject, and in this particular one I did include that paragraph.

Mr. DASH. Now, prior to that meeting and when you were preparing that talking paper, was there any other political intelligence plan operative or being considered to your knowledge?

Mr. STRACHAN. No; not to my knowledge.

Mr. DASH. Did you receive back that talking paper after you had given it to Mr. Haldeman?

Mr. STRACHAN. Yes, I did.

Mr. DASH. And to your knowledge, was there any indication as to whether all the items on the talking paper had been discussed?

Mr. STRACHAN. Well, usually if a matter had not been discussed he would indicate that it should be raised again. In this case it was not raised again, indicating that he would have covered the subject.

Mr. DASH. What did you do with that talking paper then when you received it back?

Mr. STRACHAN. I put it back in the file with the political matters memo 18 files.

Mr. DASH. And there was no indication from Mr. Haldeman that he had either not discussed it or it needed any further action on your part?

Mr. STRACHAN. That is correct.

Mr. DASH. Now, did there come a time after that meeting between Mr. Mitchell and Mr. Haldeman, and also in the same month of April,

that Mr. Haldeman asked you to give some communication to Mr. Gordon Liddy?

Mr. STRACHAN. Yes. Mr. Haldeman called me up into his office. I carried a clipboard and he told me to contact Mr. Liddy and tell him to transfer whatever capability he had from Muskie to McGovern with particular interest in discovering what the connection between McGovern and Senator Kennedy was.

Mr. DASH. Was that the limit of the instruction that you had?

Mr. STRACHAN. Yes, sir.

Mr. DASH. What did you do with that instruction? Did you make a record of it?

Mr. STRACHAN. Well, I had taken notes as he had dictated that to me. I walked down to my office, called Gordon Liddy, had him cleared into the White House, had him come over to my office, and literally read the statement to him.

Mr. DASH. When he came into your office could you describe what Mr. Liddy did, if anything?

Mr. STRACHAN. Yes. Mr. Liddy reached over and turned on the radio. [Laughter.]

Mr. DASH. Do you know why he did that?

Mr. STRACHAN. Well, I have heard descriptions later that is what you do if you want to drown out and prevent a bug from picking up the conversation.

Mr. DASH. Did you in fact have any bug in the room at that time?

Mr. STRACHAN. I have no way of knowing. [Laughter.]

Mr. DASH. At least to your knowledge that you hadn't installed one yourself?

Mr. STRACHAN. No; not that I installed.

Mr. DASH. Now he turned on the radio and how did you communicate the Haldeman message to Mr. Liddy?

Mr. STRACHAN. I said that Mr. Haldeman had asked me to give him this message, and read it to him.

Mr. DASH. In other words, you read it almost word for word as you got it from Mr. Haldeman?

Mr. STRACHAN. Yes, I opened my clipboard and just read it.

Mr. DASH. And you didn't give any further explanation as to what you meant by transfer his capabilities from Mr. Muskie to Mr. McGovern. What capabilities?

Mr. STRACHAN. No.

Mr. DASH. Did you know what capabilities he was referring to?

Mr. STRACHAN. No, I didn't except I suspected that there were plants in Muskie's campaign. It was fairly common knowledge that Muskie's driver was either in the pay of the CRP or supplying information to us. I presumed that these employees would be transferred over to Senator McGovern.

Mr. DASH. We know already from the testimony, even from Mr. Mitchell, that the so-called March 30 Liddy plan included fairly sophisticated electronic surveillance plans and, as you have indicated, it was that plan that Mr. Magruder said was approved by Mr. Mitchell which you submitted to Mr. Haldeman. With that kind of knowledge, would you also now assume that those capabilities could also have included electronic surveillance?

Mr. STRACHAN. Well, it's quite an assumption, but I think you would have to make it.

Mr. DASH. Did Mr. Liddy ask you any questions of what did you mean or did he seem to understand what that message meant?

Mr. STRACHAN. Oh, he seemed to understand and didn't spend very much time and left.

Mr. DASH. And left.

Did you learn anything afterwards as to what he did or did not do?

Mr. STRACHAN. No, I did not.

Mr. DASH. Was any further report made through you to Mr. Haldeman concerning whether he carried out that mission?

Mr. STRACHAN. No, not through me.

Mr. DASH. Now, if Mr. Haldeman actually wanted Mr. Liddy to have that instruction and asked you to communicate that to Mr. Liddy, I take it Mr. Haldeman would be interested in seeing that instructions of his were carried out.

Mr. STRACHAN. That is correct.

Mr. DASH. I think you have indicated that Mr. Haldeman was very well organized and wanted to have all the facts.

Would you be the only one, the only avenue or conduit through which a communication back—as to whether Mr. Liddy had followed that instruction would get back to Mr. Haldeman?

Mr. STRACHAN. No. The information could have come back through a variety of channels.

Mr. DASH. Would you assume that Mr. Haldeman would have pursued that and that a communication would have gotten back to Mr. Haldeman? I ask that with respect to your personal knowledge of Mr. Haldeman's working habits and what Mr. Haldeman did when he sent a communication and what he expected after he sent a communication for a particular action.

Mr. STRACHAN. Well, Mr. Haldeman would normally follow up on particular matters. Whether he would get a report back on all messages that he delivered, frequently he just assumed something was going to be done, and that he would not have to follow up on it.

Mr. DASH. If he gave orders for something to be done and they weren't done, what was Mr. Haldeman's usual reaction?

Mr. STRACHAN. Well, to his personal aides he would explain his dissatisfaction in no uncertain terms.

Mr. DASH. Now, when was the first time that you heard about or learned of the break-in of the Democratic National Committee headquarters of the Watergate on June 17, 1972?

Mr. STRACHAN. I was sitting in my car outside Rodman's Drug Store, my wife was out shopping and I heard it on the radio.

Mr. DASH. What passed through your mind when you heard that news?

Mr. STRACHAN. Shock, disbelief, surprise.

Mr. DASH. What did you do?

Mr. STRACHAN. Well, I drove to the White House to get a telephone number for Mr. Magruder in California, to call him and find out if he knew anything about it.

Mr. DASH. Did you reach Mr. Magruder?

he had indicated that this particular file might link you by some way to the break-in or the activity of the break-in. Do you recall that conversation with Mr. Strachan?

Mr. HALDEMAN. I don't recall the conversation. I don't recall the testimony as being quite as you have described it. And as I said in my statement, I don't recall Mr. Strachan or my giving Mr. Strachan such an instruction.

Mr. DASH. Such an instruction to see that the file would be clean?

Mr. HALDEMAN. That is correct.

Mr. DASH. You didn't use that expression.

Mr. HALDEMAN. I don't remember using it, no, sir.

Mr. DASH. Do you have any explanation as to why, after that meeting, Mr. Strachan would go out and shred that political matters memorandum No. 18?

Mr. HALDEMAN. Well, by Mr. Strachan's statement, which is the only really source I can use for knowing why, he indicates that he destroyed what he considered to be politically embarrassing material and as I recall under direct questioning he quite specifically said that he did not think he was destroying anything that contained any evidence of illegal activities.

Mr. DASH. But on the direct questioning he said that he did it not on his own initiative but on your instructions.

Mr. HALDEMAN. He said that in his statement, I believe.

Mr. DASH. Yes.

Mr. HALDEMAN. No. I guess that is right. It was not in his statement. It was questioning.

Mr. DASH. Yes. Now, do you recall after receiving the political matters memorandum—you don't actually recall receiving that political matters memorandum—do you recall telling Mr. Strachan in April, sometime shortly after the meeting with Mr. Mitchell, that he should contact Mr. Liddy and tell Mr. Liddy to transfer his capabilities from Mr. Muskie to Mr. McGovern with special emphasis on the relationship to Senator Kennedy?

Mr. HALDEMAN. No, I don't.

Mr. DASH. You don't recall giving him that instruction?

Mr. HALDEMAN. No, sir.

Mr. DASH. Do you have any idea why Mr. Strachan would testify under oath here that he received that instruction from you?

Mr. HALDEMAN. Mr. Dash, I think that my attempt to determine why someone else does something is something that I should not get into.

Mr. DASH. All right.

Mr. HALDEMAN. I sincerely feel that in this whole thing we have bogged down so much into opinion of what one person thinks some other person might have done rather than what that person knows he did or didn't do.

Mr. DASH. Well, you say that Mr. Strachan worked for you from 1970 on.

Mr. HALDEMAN. That is correct.

Mr. DASH. Did you during that period of time develop an opinion concerning his loyalty, concerning his character for veracity?

Mr. HALDEMAN. Yes, I had a very high opinion of both his loyalty and his thoroughness and his veracity.

14. In April 1972 Gordon Liddy told Howard Hunt that the DNC headquarters would be a target of electronic surveillance.

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3708

Mr. HUNT. It was that foreign moneys were reported to be—to have been sent or received by the Democratic National Committee.

Mr. THOMPSON. And when was that information related to you?

Mr. HUNT. In April of 1972.

Mr. THOMPSON. April of 1972?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Had the Watergate plans, to your satisfaction, been approved prior or subsequent to that time?

Mr. HUNT. The actual Watergate break-in was not approved. That aspect of the Gemstone program was not approved until the time coincident with my receipt of the information concerning the report having to do with the receipt by the Democratic National Committee or the probable receipt of foreign moneys.

Mr. THOMPSON. But the discussion about the Gemstone plan had been taking place prior to that time, had it not, according to your information?

Mr. HUNT. Beginning in November of the prior year.

Mr. THOMPSON. In your mind, when did you agree to become part of that plan?

Mr. SACHS. Could you specify what plan? Do you mean the Gemstone or Watergate?

Mr. THOMPSON. I am talking about the Gemstone plan.

Mr. HUNT. Almost as soon as Mr. Liddy made the proposal to me. He having invoked the names of the Attorney General and Mr. Dean at that juncture.

Mr. THOMPSON. That would have been in December of 19—

Mr. HUNT. Late November.

Mr. THOMPSON. 1971?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. Late November?

Mr. HUNT. I had no hesitation in associating myself in the operation.

Mr. THOMPSON. I see. When did it first come to your attention that the Democratic National Committee headquarters was going to be broken into?

Mr. HUNT. Not until April the following year.

Mr. THOMPSON. Was this before or after you were informed that foreign money was coming into the DNC?

Mr. HUNT. Not until—perhaps I misunderstood you, Senator, the Watergate—

Mr. THOMPSON. I am not a Senator. I appreciate it anyway.

Mr. HUNT. I beg your pardon, Mr. Thompson. excuse me, sir.

We did not begin to formulate plans for the Watergate break-in until after reception of the report to the effect that foreign moneys were being received by the Democratic National Committee.

Mr. THOMPSON. But a plan was underway which included the possibility of surreptitious entry before that time.

Mr. HUNT. Yes, sir.

Mr. THOMPSON. And in your mind you associated with that plan the authority of the Attorney General, although you did not know the specifics at that particular time as to why he was authorized to set such a plan in motion. What I am getting at, Mr. Hunt, is, I wonder what was in your mind at that time as to what the Attorney General

Mr. HUNT. Yes, sir. It had been my understanding, my perception, if you will, from November 1971 onward, when—and I go back to the time, now, when I was approached by Mr. Liddy—that he, having invoked first the name of the then Attorney General, John N. Mitchell, and the highest legal authority at the White House, the counsel to the President, John W. Dean, that these two men certainly possessed a delegated authority from the President of the United States to engage in the contemplated acts.

Senator GURNEY. Well, but of course, the contemplated acts which he told you about in November of 1971 was an intelligence-gathering plan for the upcoming Presidential campaign. Is that not right?

Mr. HUNT. Yes, sir.

Senator GURNEY. That did not involve at that time any discussion between you and Mr. Liddy about a burglary of the Democratic National Committee headquarters, did it?

Mr. HUNT. Not at that time; no, sir.

Senator GURNEY. And was not Mr. Mitchell, even though he was Attorney General then; it was well known in Washington and all around the country that he was going to be the campaign director of the campaign to reelect Mr. Nixon. Is that not right?

Mr. HUNT. Yes, sir.

Senator GURNEY. And that whatever actions I suppose he was taking at that time or launching of intelligence gathering had to do with a political campaign and nothing to do with the national security of the United States, is that not a fact?

Mr. HUNT. Yes, sir; but I would go back to the initial requirements given Mr. Liddy by the Attorney General which comprehended electronic surveillance and entry operations.

Senator GURNEY. Do you have any evidence that you can give the committee that the President of the United States authorized this?

Mr. HUNT. No, sir.

Senator GURNEY. Let us go back to that first contact of November 1971 by Mr. Liddy. Tell us as briefly as you can, because our time is limited here, what did he tell you?

Mr. HUNT. In accord with your injunction to be brief, Senator Gurney, I will simply say that Mr. Liddy told me that he had been approached by Mr. John Dean in behalf of the Attorney General, that the Attorney General wanted Mr. Liddy to become the general counsel for the Committee To Re-Elect the President but that there would be an ancillary and even more important job connected with that; that the Attorney General had in mind that he was proposing the establishment of a large-scale intelligence, counterintelligence collection program with half a million dollars as openers, and would my co-operation be available along with that of my four Miami friends, and perhaps others, whom Mr. Liddy had met previously in conjunction with the Ellsberg affair.

Senator GURNEY. And your reply was?

Mr. HUNT. Yes.

Senator GURNEY. And what happened next?

Mr. HUNT. Mr. Liddy told me that he planned to check out his proposed participation with Mr. Egil Krogh, Jr., and once having cleared that hurdle, he and Mr. Dean—again, this is hearsay, Senator,

Senate was in executive session on a matter relating to the Trident submarine. I have one or two other questions that I understand you have indicated a willingness to discuss in executive session and I expect we may call you for that purpose but not at this time and under those circumstances and with that agreement, Mr. Chairman, I have no further questions at this time.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Just two quick questions, Mr. Chairman.

Is it true, my understanding, that the break-in of the Democratic headquarters, Mr. Hunt, was not a part of the original Gemstone plan, is that correct?

Mr. HUNT. Rather than give you a yes or no, Senator, and I again beg your indulgence in this matter, the original Gemstone plan took into consideration and budgeted for electronic surveillance and entry operations.

Senator GURNEY. But no specifics as to what place was to be entered or broken into?

Mr. HUNT. Not at that time; no, sir.

Senator GURNEY. The first you heard about it was when Mr. Liddy told you in April 1972, is that a fact?

Mr. HUNT. At about the time that he introduced me to Mr. McCord; yes, sir.

Sentor GURNEY. Did he tell you at that time who authorized the break-in; who directed him to do this break-in?

Mr. HUNT. I am trying to reconstruct his words, I have not even been asked this question before, to the best of my recollection, Senator. It took place one afternoon, he came to my office, and said, "Guess what we are going to hit," or words to that effect. I said, "Where?" and he said "DNC headquarters." And I assumed that, again if assumptions are permissible at this point, that his principals were and continued to be the Attorney General, the former Attorney General, and Mr. Jeb Stuart Magruder.

Senator GURNEY. Did he mention to you that "Mr. Magruder has ordered us to do this as our next job"?

Mr. HUNT. No, sir, he did not.

Senator GURNEY. Did he mention to you that "John Mitchell has instructed us to do this as our next operation"?

Mr. HUNT. No, sir; but on the occasion of the second entry against which I argued so vociferously over a period of 3 days, he indicated to me in the strongest terms that it was Mr. Mitchell who was insistent upon the second entry.

Senator GURNEY. What about the McGovern attempted break-in? I understand it really was not broken into, but there still was a plan perhaps to go into that—that is correct, is it not?

Mr. HUNT. Yes, sir.

Senator GURNEY. Did he tell you who ordered that?

Mr. HUNT. No, sir.

Senator GURNEY. Now, you also mentioned in connection with the break-in at the Democratic national headquarters that this involved national security, at least you thought it did because a reason given

15. Shortly before May 25, 1972 a group, including Bernard Barker, Eugenio Martinez, Virgilio Gonzalez and Frank Sturgis, came to Washington, D.C. from Miami, Florida in response to a request from Howard Hunt to Barker for a team of men to conduct a mission. On or about May 25 and May 26, 1972, two unsuccessful attempts were made to enter surreptitiously the premises of the DNC, and one unsuccessful attempt was made to enter surreptitiously Senator McGovern's headquarters.

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Mr. Hamilton. Okay. I have just a couple of questions.

Do you remember the date of Mr. Hoover's death?

Mr. Barker. No, I do not, sir.

Mr. Hamilton. But approximately when was it?

Mr. Barker. May.

Mr. Dash. We can get that. That is something that we
can confirm all right.

Mr. Barker. Yes. Yes. I hate to -- I want to apologize
because I am not very good on dates.

Mr. Hamilton. What was the date of your second trip
to Washington?

Mr. Barker. That was--

Mr. Hamilton. Do you know when you came up?

Mr. Barker. Over a vacation, that is right.

Mr. Dash. Is that Memorial Day?

Mr. Barker. Memorial Day.

Mr. Hamilton. Do you know exactly what day you came
up here?

Mr. Barker. Well, we came up, we stayed up here almost
about, I would say, a week or more, because there were two
operations. We came up for two operations, entry into
McGovern's, and an entry into the Watergate. We stayed
around at the Hamilton Hotel, and I have to -- I took -- the
thing was not set up, and eventually we were told we were
not going to do it, and in the meantime I had the men visit

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the historical places here, and I took them to Annapolis, and showed them the Naval Academy in Annapolis, and the Lincoln Memorial, and other historical places, and the Capitol.

Mr. Hamilton. How did you get this assignment? Were you called by Mr. Hunt?

Mr. Barker. I was given this directly by Mr. Hunt.

Mr. Hamilton. Directly over the telephone or face-to-face?

Mr. Barker. Face-to-face.

Mr. Hamilton. When was that? Did he come to Miami, or was it when you were up here before?

Mr. Barker. Which operation are you talking about?

Mr. Hamilton. I am talking about the second trip up here when you were going to McGovern headquarters and went in the Democratic headquarters for the first time.

Mr. Barker. Usually I would be called and he would say bring so many men, I need so many men, and come up with them, and then I would get here and I would either meet him at the Mullins [sic] headquarters or at his home. I am a friend of his family. And then we would talk about it, and then he would tell me what the operation was.

Mr. Hamilton. How did it happen this time, do you remember?

Mr. Barker. I think it was at the Mullin [sic] Company, to the best of my recollection.

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Senator TALMADGE. How did you get involved in the Bay of Pigs operation?

Mr. BARKER. The same way I got involved in the Ellsberg one. I considered it my duty to help my country.

Senator TALMADGE. Mr. Hunt recruited you?

Mr. BARKER. That is in Cuba. No. In Cuba.

Senator TALMADGE. Who?

Mr. BARKER. At the American Embassy.

Senator TALMADGE. Now, did you ever work for the CIA at any other time except when you were with Mr. Hunt in the Bay of Pigs operation?

Mr. BARKER. Not to my knowledge.

Senator TALMADGE. Not to your knowledge.

Now, I believe you made—you were involved in the Ellsberg break-in in California.

Mr. BARKER. That is correct, sir.

Senator TALMADGE. Have you pled guilty to that and have you been sentenced?

Mr. BARKER. No, that trial is in the future. That trial—

Senator TALMADGE. The trial has not been held?

Mr. BARKER. That I know, no sir, no.

Senator TALMADGE. How many times did you attempt to break into the Democratic National Committee before you succeeded?

Mr. BARKER. To the best of my recollection, there were four tries, two of which were successful.

Senator TALMADGE. Two were successful—the last one when you were arrested. The first one, I believe, was over the Memorial Day weekend last year. Two previous attempts were unsuccessful?

Mr. BARKER. That is correct.

Senator TALMADGE. How did they happen to prove unsuccessful?

Mr. BARKER. One was—we had a banquet and to the best of my knowledge, someone was staying late in the Democratic headquarters and the mission was aborted.

Senator TALMADGE. In other words, it was occupied and aborted the first time. What about the second time?

Mr. BARKER. The second time, an entry was tried on just walking into the building on the excuse we were going to another floor. It did not work. We left.

Senator TALMADGE. Were there any other instances except the four times you attempted to break into the Democratic National Committee headquarters, two of which were successful, and the Ellsberg psychiatrist's, that you were involved in the break-in?

Mr. BARKER. We had plans to enter McGovern's headquarters, but they were never actually attempted.

Senator TALMADGE. That was aborted also?

Mr. BARKER. Yes.

Senator TALMADGE. Now, isn't it true that some lawyers showed up immediately after you went to jail following the break-in at Democratic national headquarters?

Mr. BARKER. That is correct.

Senator TALMADGE. And you did not send for them?

Mr. BARKER. No.

Senator TALMADGE. Or any other members of your break-in group?

Senator GURNEY. That is what I want to know. I mean he went to Miami, as I understand it, and he got in touch with you and he must have said "Bernard, I have another mission for you."

Mr. BARKER. That is correct.

Senator GURNEY. What did he say, what was the mission?

Mr. BARKER. All he said was a double mission and he would explain to me when we got there, he gave me the general information, as saying, "Get your men in training going up and down stairs. They must be in good physical condition."

This I passed on to my men. I think he mentioned it involved surreptitious entry similar to the one we had done in California, but he did not say anything else specifically to me at that time nor did he have to give me any further explanation.

Senator GURNEY. Did he say to you it was going to be the Democratic national headquarters?

Mr. BARKER. No, he did not, sir.

Senator GURNEY. Did he say to you it was going to be in Senator McGovern's campaign headquarters?

Mr. BARKER. No, he did not.

Senator GURNEY. Now then at some point in time you went to Washington?

Mr. BARKER. That is correct.

Senator GURNEY. Will you tell us about that?

Mr. BARKER. I arrived with my team in Washington, they went to the Hamilton Hotel. I met with Mr. Hunt and there is where Mr. Hunt gave me the general description of our double mission and I asked then, had the mission then—this I did not communicate with the men until just about entry time.

Senator GURNEY. Did he tell you at that time it was the Democratic national headquarters and Senator McGovern's headquarters?

Mr. BARKER. To the best of my recollection this was the time when he said this to me. Previous to this, the only information I had is that we were going to have some kind of a banquet at the Watergate.

Senator GURNEY. A banquet?

Mr. BARKER. Yes.

And we did have that banquet at the Watergate. Then at that time it was explained to me that the banquet in itself was a cover for the entry.

Senator GURNEY. Well, did he tell you at that time what documents you were going to look for?

Mr. BARKER. That is correct.

Senator GURNEY. And what did he say?

Mr. BARKER. He said to look for any documents involving contributors, both foreign and national. If I had any doubts as to the documents I could contact him over our communications.

Senator GURNEY. Now the first and second entries, of course, were unsuccessful, the third entry was, and what documents did you photograph there?

Mr. BARKER. It was quite evident when I searched the documents that this was not the right place to look for the type of documents that we were searching for.

Senator GURNEY. Where did you think was the right place?

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Mr. Liebengood. What took place at the banquet? What happened at the banquet?

Mr. Gonzalez. Nothing happened. We watched some movies over there. We had a big dinner, and after that is finished, we finished with the dinner, and Mr. Hunt and myself hid in the closet in the dining hall.

Mr. Liebengood. When did -- when was the decision made for you and Mr. Hunt to hide in the closet?

Mr. Gonzalez. After we finished the dinner, Hunt told me we had better stay tonight over here because we are trying to get inside the building. And I said you and I will stay together over here.

Mr. Liebengood. I see.

Did you discuss an entry operation in the building prior to the dinner?

Mr. Gonzalez. No.

Mr. Liebengood. You never discussed that with anybody?

Mr. Gonzalez. We never discussed anything. I find out we go inside the building after we finish the dinner over there.

Mr. Liebengood. So after the dinner, Mr. Hunt approached you and told you, we are going to make an entry?

Mr. Gonzalez. You stay with me over here. We are trying to get inside the building.

Mr. Liebengood. Did he tell you where you were going to try and get inside?

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Mr. Gonzalez. No, sir.

Mr. Liebengood. What did you do, you and Mr. Hunt?

Mr. Gonzalez. We hid inside the closet, and waited after the people come in and clean the table and everything.

Mr. Liebengood. You are in a closet in a banquet room?

Mr. Gonzalez. Right. When everybody was leaving, we walk out an [sic] we tried to open the back door. The door going inside the building, I find out that it had the alarm connected. It had ADT or something like that. I said we are not supposed to be opening that door. If we open that door, the alarm will go off.

Mr. Liebengood. Okay--

Mr. Gonzalez. And we decided to wait, and he finds a telephone in a room over there. He made a phone call. I do not know who he is called, because I hid in the closet again.

Mr. Liebengood. This is the banquet room?

Mr. Gonzalez. Yes.

Mr. Liebengood. Okay.

Mr. Gonzalez. We had one door to escape in case we wanted to get out, but it is next to the garage exit. That means you have cars coming in and out all of the time.

Mr. Liebengood. The garage exit?

Mr. Gonzalez. Yes, I said there is a big glass door; if I start walking on that door, somebody could see me. We never have a chance to pick that door. He said we should wait here all

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night until somebody came and opened the door.

About 6:00 o'clock in the morning, we walked out of the closet, and found the door open already, and we got out of the building. I think the next night is when we got inside the building.

Mr. Liebengood. What equipment do you require to pick a lock?

Mr. Gonzalez. A set of picks.

Mr. Liebengood. Did you have them with you at the banquet?

Mr. Gonzalez. Yes.

Mr. Liebengood. Why did you have them? Do you carry them with you all the time?

Mr. Gonzalez. Yes. That is my personal property, not tools.

Mr. Liebengood. You carry them around everywhere?

Mr. Gonzalez. No, not everywhere. I carried them that night because when we flew over here, I got it in my pocket and that is where I keep it that night.

Mr. Liebengood. My question is, did you go to the banquet expecting to break in?

Mr. Gonzalez. No, I am not expecting to break anything that night, but I am coming from Miami, and I have got that thing in my pocket, because Mr. Hunt no expected to have to pick any door. He expected we open the door from the inside, and we keep on going.

Mr. Liebengood. I see.

So you waited until 6:00.

Mr. Gonzalez. The next morning.

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for the outside, rush to Dr. Fielding and so forth.

These men arrived in work clothes, spoke Spanish with the charwoman and asked if they could leave it in the office, which they did. The purpose of that, so they would be able to punch the interior lock button on the door and leave it open for later return that night so the door would not have to be forced.

That, in fact, took place.

Mr. Liebengood. The door was unlocked when they arrived through the window, as far as you know?

Mr. Hunt. Yes.

Mr. Liebengood. This was after -- his offices were not open that day at all, were they?

Mr. Hunt. I cannot say. I did not take any interest in him until about 8:00 or 9:00 o'clock that night. Then I went out to his home. When I left the hotel, I checked his parking slot at his professional building and saw it was empty and then drove out to his home and saw that his car -- I think it was a Volvo -- was there in his gargage I set upon fixed surveillance on that.

Mr. Liebengood. Now sir, I would like to move away from that break-in to the first attempt to enter the Watergate complex.

Mr. Hunt. Yes, sir.

Mr. Liebengood. The office of the DNC. When was the first time -- I do not necessarily refer to the first successful

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entry?

Mr. Hunt. You mean the aborted attempt the night before?

Mr. Liebengood. Was that the first attempt, or was there a prior attempt?

Mr. Hunt. That was the first attempt. That was the night that we had the banquet. That was an aborted attempt.

Mr. Liebengood. Would you tell us what the entry plan was on that occasion?

Mr. Hunt. The entry plan was to gain access after normal hotel hours to that particular floor, the ground level floor, because Mr. McCord and I had determined that there was a door through which entry could be made to the Watergate office buildings from the Watergate Hotel where we had the banquet, that we could arrive on scene at the lower elevator level or the stair level for that matter, and go right up to the Democratic National Committee Headquarters.

Our problem was, after the banquet was over, a security guard came around about 11:00 o'clock and said they were closing down, would everybody please leave. Everybody left except Gonzalez, myself. We stayed down there for the night until the door was opened in the very early morning and we were able to leave.

Mr. Liebengood. There must have been some reason why you and Gonzalez stayed behind.

What was your purpose in staying behind?

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Mr. Hunt. We stayed behind because we felt we might be able to gain -- to reopen the door that had been locked behind them, at the same time open the door that led into the passage that would connect with the Watergate office building. Gonzalez in his attempt to pick a particular lock on the inside was to no avail. At the same time we noticed there was an alarm, magnetic door alarm, on the egress door, so we were unable to get out that way, so we simply stayed there for the night.

Mr. Liebengood. All right, sir.

Mr. Hunt. He was sent down to Miami in the morning to pick up additional tools, came back that evening. It was that night that we made the first successful entry.

Mr. Liebengood. Was there not another entry attempt in between the dinner and the entry, an attempt that was made to use the elevator to go on up to the eighth floor and then down to the sixth floor?

Mr. Hunt. I recall something about that, but it seems to me that was more in the nature of a familiarization tour, that McCord took not more than one or two of the men up there and walked them down to the sixth floor to show them the actual door. Then they simply got back into the elevator. It was simply a familiarizing with the operational problem of the two glass doors that opened into the Democratic National headquarters.

Mr. Liebengood. Let's talk about that a minute.

Mr. Hunt. Yes?

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Senator WEICKER. Did you have any questions of him as to exactly what was going on at that time?

Mr. BALDWIN. No, I had just driven approximately 6 hours and he said, "As soon as you get unpacked and relaxed, I will explain this." I said, "All right, I will take a shower and shave and join you."

Senator WEICKER. Now, Mr. Baldwin, was there a sequence of events leading up to a visit by other persons to the room that afternoon?

Mr. BALDWIN. Well, I was told that some other individuals would be coming into the room. They were part of the security force and in view of their position, they would be introduced under aliases to me and that I would also be introduced in this way. He said, there is no reflection on you, but because of the nature of the work you are involved in, I am going to use an alias for you and an alias for them. I will be introducing them—

Senator WEICKER. What was the alias he gave to you?

Mr. BALDWIN. He asked me to use the alias of Bill Johnson, the alias I used when I was calling in reports on my surveillance operation.

Senator WEICKER. Would you like to continue your narrative to the committee as to what happened that afternoon?

Mr. BALDWIN. Are you asking me regarding the introductions of the individuals that came to the room, Senator?

Senator WEICKER. I gather from what you told the committee, that you were already told there would be a visit by individuals from the Committee To Re-Elect the President?

Mr. BALDWIN. That is correct. Two individuals came into the room and when they entered the room, Mr. McCord turned to me and he said at this point—he introduced me. "Al," he said, and I believe he said "Ed," and then he got all confused because he had not used the aliases.

Senator WEICKER. He had not used the aliases which you were supposed to use?

Mr. BALDWIN. That is correct. He said—I do not know if he said at that point, "Ed, go in—" he had to retract. Then he had to introduce me under my alias and he could not remember, then he just introduced us under our personal names.

Senator WEICKER. Now, subsequently, have you identified who those two men were who came in the room?

Mr. BALDWIN. That is correct, and at the FBI photographic display, they were identified as Mr. Liddy and Mr. Hunt.

Senator WEICKER. That same evening, May 26, was there a trip to McGovern headquarters?

Mr. BALDWIN. That is correct; there was.

Senator WEICKER. Would you describe to the committee that trip and the evening's activity at McGovern headquarters?

Mr. BALDWIN. Well, the purpose of my returning from Connecticut was to work that weekend. Mr. McCord advised me that we would have to work that weekend. I did not know we were going into McGovern headquarters until we arrived at the scene. Prior to arriving there, we stopped to buy some batteries. He sent me in to buy them, then we proceeded to McGovern headquarters.

As we went by the McGovern headquarters, he pointed to a building, said, this is what we are interested in, we have got to meet some people here. Then he proceeded to explain that we have to find

our individual; one of our men is here. He will be in a yellow Volkswagen, keep your eyes open for the Volkswagen, for the man sitting in it—I believe he even mentioned “boy.” I do not think he said “man”; he said there is a boy sitting in a Volkswagen.

He said, “We have one of our people inside the headquarters.” The problem was there was a man standing outside the headquarters, which was a second-story headquarters above—I believe there were stores—there was a chain across them.

This individual was there. This was late in the evening, approximately 1 or 2 o'clock in the early morning hours, and Mr. McCord was quite upset by the fact that this individual was standing in front of the door. He had no business being there, according to Mr. McCord. He should not have been there.

Senator WEICKER. Did you meet any other individuals at that particular address?

Mr. BALDWIN. That is correct. Mr. McCord had been in communication over a walkie-talkie unit with some other individuals and at one point, as we proceeded down the same street that McGovern's headquarters is located on, we stopped adjacent to a light-colored car. An individual alighted from the car, came into the front seat of Mr. McCord's car. I slid over so I was between Mr. McCord and this individual.

Senator WEICKER. Can you tell me who that individual was?

Mr. BALDWIN. That was Mr. Liddy.

Senator WEICKER. And did you succeed in getting into the McGovern headquarters on that evening?

Mr. BALDWIN. No, they drove around. Mr. McCord and Mr. Liddy did all the talking and they drove around, I do not know the exact length of time. But it was over a half hour. As a matter of fact, we drove up the alleyway adjacent to the building. There was a problem of lights. They discussed whether or not their man was inside. There were several problems. Mr. McCord said, we will abort the mission.

Senator WEICKER. What was your primary job during the first 2 weeks of June? We have moved now from the end of May to the first week of June.

Mr. BALDWIN. I was instructed to monitor all telephone conversations that were being received over these units that were in the Howard Johnson room and to make a log of all units.

Senator WEICKER. With reference to overheard telephone conversation and excluding anything to do with personal lives of those who were overheard, can you tell the committee the content of any conversations of a political nature?

Senator ERVIN. Senator? I am afraid we made a mistake when we passed the Omnibus Crime Act. It may be illegal for him to say anything about the conversation. I think maybe we were very foolish when Congress passed that law, but I believe it is the law.

Mr. BALDWIN. I will decline to answer that respectfully, Senator, based on 18 section 2515, prohibition of the use of evidence of intercepted wire or oral communications, which specifically states under this Federal statute that if I divulge those contents, I am subject to possible prosecution.

Senator ERVIN. On that basis I would suggest you not ask him.

Senator WEICKER. About how many calls did you monitor?

16. On or about May 27, 1972 under the supervision of Gordon Liddy and Howard Hunt, McCord, Barker, Martinez, Gonzalez, and Sturgis broke into the DNC headquarters. McCord placed two monitoring devices on the telephones of DNC officials, one on the telephone of Chairman Lawrence O'Brien, and the second on the telephone of the executive director of Democratic state chairmen, R. Spencer Oliver, Jr. Barker selected documents relating to the DNC contributors, and these documents were then photographed.

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equipment and the cost of photographic equipment and specific items of equipment that would be used against the Democratic Party, the Democratic hierarchy in Washington primarily, but also in Miami, Fla. The electronic devices which he referred to specifically, were of a variety of types.

Mr. DASH. I am not asking specifically what the types were, but how were they to be used, where were they to be placed from your understanding?

Mr. McCORD. The initial interests specified by Mr. Liddy in this regard were, No. 1, against Mr. Larry O'Brien, then chairman of the Democratic National Committee in Washington, D.C., at his residence and subsequently at his office in the Watergate office building; perhaps other officers of the Democratic National Committee. The McGovern headquarters in Washington, D.C., were mentioned quite early in 1972. And there was some general reference to the Democratic National Convention facility or site wherever it might be located at this convention in the summer of 1972.

Mr. DASH. All right now, Mr. McCord; in connection with this assignment, in which you were having these discussions with Mr. Liddy, did you come to associate yourself with Mr. E. Howard Hunt, Bernard Barker, Eugenio Martinez, Frank Sturgis, and Virgilio Gonzales?

Mr. McCORD. Yes; I did.

Mr. DASH. And as a result of that association and your agreement with Mr. Liddy, did you with Mr. Barker, Sturgis, Martinez, and Gonzalez illegally enter the Democratic National Committee headquarters on two occasions one on or about May 30, 1972, and the other in the early morning hours of June 17, 1972?

Mr. McCORD. I did.

Mr. DASH. On the first occasion on or about May 30, 1972, you installed two telephone interception devices or wire types on two office telephones; one on the telephone of Spencer Oliver and the other on the telephone of Lawrence O'Brien?

Mr. McCORD. I did.

Mr. DASH. Leaving aside for the time being why you broke into the Democratic National Committee headquarters at the Watergate on the second time on June 17 and what circumstance led to your arrest, you were in fact arrested by plainclothesmen of the District of Columbia Metropolitan Police shortly after you entered; is that true?

Mr. McCORD. That is correct.

Mr. DASH. Is that the arrest which led to your reconviction?

Mr. McCORD. That is correct.

Mr. DASH. Will you tell the committee, Mr. McCord, why, after a lifetime of work as a law enforcement officer without, as you have testified any blemish on your career, did you agree with Mr. Liddy to engage in his program of burglaries and illegal wiretapping and specifically the two break-ins on May 30 and June 17 of the Democratic National Committee headquarters at the Watergate?

Mr. McCORD. There were a number of reasons associated with the ultimate decision of mine to do so. One of the reasons, and a very important reason to me was the fact that the Attorney General himself, Mr. John Mitchell, at his office had considered and approved the operation, according to Mr. Liddy.

Senator BAKER. I do not want to lead you into that but I guess what I am really reaching for was whether or not as a result of your previous experience at CIA or otherwise you were acquainted with and thoroughly familiar with electronic surveillance techniques and clandestine operations such as that which was conducted at the Watergate.

Mr. McCORD. I am still—basically still—in the same position, sir, respectfully, sir, in face of the split legality of this problem, one of trying to cooperate with you fully and the other one trying to comply with what I previously stated.

Senator ERVIN. It is a little difficult to hear you. I believe if you would move the microphone in front of you and just talk a little bit louder it would be better.

Mr. McCORD. Yes, sir, I will try to.

Senator BAKER. I am not going to spend much time on it but really all I am reaching for is whether or not you were familiar with electronic surveillance techniques, and with clandestine operations such as was conducted at the Watergate regardless of how you knew it.

Mr. McCORD. I learned some electronics from the FBI, sir. I think I can answer that question without violating the general problem, the other thing.

Senator BAKER. Fine. Did you enter the Watergate complex of the Democratic National Committee on one or more than one occasion?

Mr. McCORD. The Democratic National Committee?

Senator BAKER. Yes, sir.

Mr. McCORD. I believe I have testified that twice and that is correct, sir.

Senator BAKER. All right, sir. When was the first time?

Mr. McCORD. Memorial Day weekend.

Senator BAKER. Do you remember the date?

Mr. McCORD. 1972.

Senator BAKER. Do you remember the day?

Mr. McCORD. I can check it. The evening of May 27, 1972.

Senator BAKER. About what time?

Mr. McCORD. 1:30 p.m., that evening, or it could have been the following day.

Senator BAKER. Who was with you on this first break-in?

Mr. McCORD. The other—the seven Cuban Americans that I have testified to previously, I believe, in this committee.

Senator BAKER. What did you do?

Mr. McCORD. The entire group went into the Democratic National Committee through an entry into, the door itself. I went in and joined them to perform the work of the electronic assignment that I had as a member of the team.

Senator BAKER. What was the electronic assignment that you had?

Mr. McCORD. Installation of the technical bugging devices in the Democratic National Committee that were previously authorized by the Attorney General.

Senator BAKER. Did you have instructions as to where they should be placed?

Mr. McCORD. Yes.

Senator BAKER. Where?

Mr. McCORD. In the offices themselves in connection with senior personnel officers of the Democratic National Committee, and specifically, Mr. O'Brien's telephone extension.

Senator BAKER. How many bugs did you plant?

Mr. McCORD. Two.

Senator BAKER. And where were they?

Mr. McCORD. Two were in offices that face Virginia Avenue. I think you have a sketch up on the board.

Senator BAKER. One of them was on Mr. O'Brien's telephone?

Mr. McCORD. That was an extension of a call director, that was identified as Mr. O'Brien's. The second was Mr. Oliver's—

Senator BAKER. The second one was where?

Mr. McCORD. In a telephone that belonged to Mr. Spencer Oliver, who is an executive director of the democratic State chairmen of the organization.

Senator BAKER. Were you specifically instructed by someone to plant those two bugs or just the O'Brien bug? Would you give us some detail on that?

Mr. McCORD. Sure.

Mr. Liddy had passed along instructions from Mr. John Mitchell. He set the priorities. Mr. Mitchell had stated priorities of the installation were first of all, Mr. O'Brien's offices and such other installations as that might provide information of interest to Mr. Mitchell and to whoever else the monitoring was to go to beyond Mr. Mitchell.

Senator BAKER. So the Oliver phone was bugged more or less by your choice, then, as distinguished from the O'Brien phone?

Mr. McCORD. No, I think the basic choice was this; the wording from Mr. Liddy was that Mr. Mitchell wanted it placed in a senior official's office, if not Mr. O'Brien's office, some other; in other words, two such installations.

Senator BAKER. Did you tape the doors on this first break?

Mr. McCORD. No, I did not, Mr. Hunt did.

Mr. BAKER. But they were taped?

Mr. McCORD. That is correct.

Senator BAKER. Now, you weren't apprehended on this first occasion, Memorial weekend. What was the purpose of the second entry into the Democratic national headquarters?

Mr. McCORD. You want hearsay information again, of course.

Senator BAKER. Yes, as long as it is identified as hearsay.

Mr. McCORD. Mr. Liddy had told me that Mr. Mitchell, John Mitchell, liked the "takes" in quotes; that is, the documents that had been photographed on the first entry into the Democratic National Committee headquarters and that he wanted a second photographic operation to take place and that in addition, as long as that team was going in, that Mr. Mitchell wanted, had passed instructions to Mr. Liddy to check to see what the malfunctioning of the second device that was put in, second, besides Mr. Oliver's, and see what the problem was, because it was one of the two things—either a malfunction of the equipment or the fact that the installation of the device was in a room which was surrounded by four walls. In other words, it was shielded, and he wanted this corrected and another device installed.

He also said Mr. Mitchell wanted a room bug as opposed to a device on a telephone installed in Mr. O'Brien's office itself in order to trans-

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Mr. THOMPSON. Do you believe you remember whether or not he told you the particular agency or you just concluded that in your own mind? Did he tell you that it was an agency or did you conclude that in your own mind?

Mr. HUNT. I would go back to our mutual experience in the Plumbers organization at which time we were receiving daily reports from most of the investigative agencies of the Government with relation to the Ellsberg case. Mr. Liddy had on the basis of prior associations with the FBI a private channel, a person or persons who would telephone or send him memorandums from time to time, providing him with information which was not distributed generally within the White House, that is to say there were really two channels of reporting from the FBI into the White House. There was the J. Edgar Hoover channel to, let us say, Mr. Ehrlichman and Mr. Krogh, who would see copies of those memorandums. There were also materials that were coming to Mr. Liddy from Mr. Mardian in the Justice Department, and I believe telephonic information that came to Mr. Liddy from close and old-time associates of his at the FBI. So I had every reason to believe that he was still well plugged into the Bureau.

Mr. THOMPSON. Did he tell you precisely the source of these foreign moneys, the country?

Mr. HUNT. Yes, sir.

Mr. THOMPSON. And the individual, what did he tell you?

Mr. HUNT. Cuba.

Mr. THOMPSON. What would be the normal procedure with regard to investigating a matter like that, if any organization in this country was receiving money from a foreign country, especially a Communist country?

Mr. HUNT. The practice normally would be to lay a requirement on the CIA abroad and the FBI at home. However, the President had established the Plumbers unit because certain traditional agencies of the Government had been deemed inadequate in the performance of their duties.

Mr. THOMPSON. Was the Plumbers unit in any way operative in April of 1972?

Mr. HUNT. Yes, indeed.

Mr. THOMPSON. Do you know whether or not they were looking into this matter?

Mr. HUNT. No, sir.

Mr. THOMPSON. You don't know whether or not they were?

Mr. HUNT. I am quite sure they were not.

Mr. THOMPSON. Nobody else was, as far as you know?

Mr. HUNT. No, sir.

Mr. THOMPSON. With regard to the actual scene, who was in charge of the various operations on the night of the break-in, the early morning hours of June 17, 1972?

Mr. HUNT. The responsibilities were the same as they were during the prior break-in on May 27, and that is to say I was in overall charge of the entry operation. I planned it, and with Mr. McCord's help surveyed the groundwork, developed the operational plan. Mr. McCord had certain electronic responsibilities, the precise nature of which I was unaware. My team, that is to say, the four men from Miami.

were charged with photographing documents that would bear on the object of our search while Mr. McCord went about his electronic business.

Mr. THOMPSON. Did you tell any of the Cuban-Americans about the foreign money information that you had?

Mr. HUNT. I did.

Mr. THOMPSON. Who did you tell?

Mr. HUNT. I told Mr. Barker, and this was the basis on which I secured his cooperation initially.

Mr. THOMPSON. Do you know whether or not he related this to the people he enlisted to assist him in the operation?

Mr. HUNT. I believe he may have. If I can amplify a bit, Mr. Thompson, when I approached Mr. Barker with the requirement for an entry into Democratic national headquarters I told him that we wanted to verify a report to the effect that Castro money was reaching the Democratic National Committee coffers, and Mr. Barker's immediate response was "there are rumors all over Miami, I have heard all about it, you don't need to tell me anything more."

Mr. THOMPSON. Did you tell him anything more about it?

Mr. HUNT. I knew nothing more about it.

Mr. THOMPSON. He operated then on your information?

Mr. HUNT. He did.

Mr. THOMPSON. Was there any financial reward in any way for Mr. Barker or any of the other Cuban-Americans out of the Watergate break-in?

Mr. HUNT. There was compensation for them for time lost from their normal businesses, yes.

Mr. THOMPSON. Was there anything additional to that?

Mr. HUNT. Not that I know of; no, sir.

Mr. THOMPSON. What about the break-in of Dr. Fielding's office, was there any pecuniary benefit coming out of that for them other than just expenses, time, or money for time lost from work, that sort of thing?

Mr. HUNT. No, sir, that was all.

Mr. THOMPSON. What was told the Cubans with regard to that operation, with regard to the reason and necessity for the break-in in Dr. Fielding's office.

Mr. HUNT. I told Mr. Barker originally in Miami that a break-in would be necessary; an entry operation would be necessary on the west coast as we had information to the effect that a man whom I believe I described as a traitor to the United States was passing classified information to a foreign power.

Mr. THOMPSON. Were you the one who enlisted Mr. Barker's aid to come to Washington during Mr. Hoover's funeral?

Mr. HUNT. I was.

Mr. THOMPSON. Did he in turn enlist the aid of other Cuban-Americans to come with him?

Mr. HUNT. He did.

Mr. THOMPSON. What was the reason for your arrangements for them to come to Washington?

Mr. HUNT. This was in response to an urgent requirement by Mr. Liddy who indicated to me that he had information, and again I

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Mr. Hamilton. They were counting on the assistance of Mr. Hunt?

Mr. Barker. No. They were counting on forming part of the group that with me would be involved in the eventual liberation of Cuba. What I said was that I personally transferred and motivated these men in that manner. They were self-motivated in that, but I transferred that motivation to them.

Mr. Hamilton. And all of the men that you brought in, Mr. Martinez, Mr. Sturgis, Mr. Gonzalez, were experts in photography, was that what you said?

Mr. Barker. No, sir. No, sir. Mr. Martinez was comparatively expert in photography. Mr. Sturgis was more or less of a guard. Mr. Gonzalez was an expert in -- he was a locksmith.

Mr. Hamilton. What is your knowledge as to the other people involved in the Watergate affair, including the seven of you who were convicted?

Senator Baker. Before you get to that, you are getting into another line of questioning that obviously ought to be pursued and pursued at length. But, just so that I can abbreviate my participation in the examination at this point, let me make another inquiry to Mr. Barker about the matter he mentioned. That was the photography operation and documents involved. Did you, in fact, conduct photography

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operations inside of Watergate?

Mr. Barker. Yes, we did, sir.

Senator Baker. Can you tell me how many documents you photographed?

Mr. Barker. I personally selected most of the documents that were photographed.

Senator Baker. What were those?

Mr. Barker. All that I know is there were documents that involved persons that were connected with -- you see, let me explain to you exactly what I was looking for which I did not find. I was looking for people that contributed money. The files and the office that I looked into, I could tell right away that they were not the appropriate things, so I tried to find anything that had numbers in it and that talked about people that could possibly help who contributed to this.

Senator Baker. Just to make sure I understand the events we are talking about, was this on June 17th or was this on [sic] a previous occasion?

Mr. Barker. On both occasions.

Senator Baker. Fine. Go ahead, sir.

Mr. Barker. No, no. On the first occasion. On the second occasion we did nothing, sir. Senator, this was on the first occasion. It would have been the same idea on the second occasion.

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17. On May 28, 1972 Alfred Baldwin, an employee of CRP, began intercepting conversations derived from the monitoring devices placed in the telephones at the DNC. Baldwin was unable to pick up the signal from the device placed in Lawrence O'Brien's telephone. Between May 28 and June 16, 1972 Baldwin monitored approximately 200 conversations and each day gave the logs and summaries to McCord. McCord delivered these logs and summaries to Liddy, except on one occasion when Baldwin delivered the logs to the CRP headquarters.

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our individual; one of our men is here. He will be in a yellow Volkswagen, keep your eyes open for the Volkswagen, for the man sitting in it—I believe he even mentioned “boy.” I do not think he said “man”; he said there is a boy sitting in a Volkswagen.

He said, “We have one of our people inside the headquarters.” The problem was there was a man standing outside the headquarters, which was a second-story headquarters above—I believe there were stores—there was a chain across them.

This individual was there. This was late in the evening, approximately 1 or 2 o'clock in the early morning hours, and Mr. McCord was quite upset by the fact that this individual was standing in front of the door. He had no business being there, according to Mr. McCord. He should not have been there.

Senator WEICKER. Did you meet any other individuals at that particular address?

Mr. BALDWIN. That is correct. Mr. McCord had been in communication over a walkie-talkie unit with some other individuals and at one point, as we proceeded down the same street that McGovern's headquarters is located on, we stopped adjacent to a light-colored car. An individual alighted from the car, came into the front seat of Mr. McCord's car. I slid over so I was between Mr. McCord and this individual.

Senator WEICKER. Can you tell me who that individual was?

Mr. BALDWIN. That was Mr. Liddy.

Senator WEICKER. And did you succeed in getting into the McGovern headquarters on that evening?

Mr. BALDWIN. No, they drove around. Mr. McCord and Mr. Liddy did all the talking and they drove around, I do not know the exact length of time. But it was over a half hour. As a matter of fact, we drove up the alleyway adjacent to the building. There was a problem of lights. They discussed whether or not their man was inside. There were several problems. Mr. McCord said, we will abort the mission.

Senator WEICKER. What was your primary job during the first 2 weeks of June? We have moved now from the end of May to the first week of June.

Mr. BALDWIN. I was instructed to monitor all telephone conversations that were being received over these units that were in the Howard Johnson room and to make a log of all units.

Senator WEICKER. With reference to overheard telephone conversation and excluding anything to do with personal lives of those who were overheard, can you tell the committee the content of any conversations of a political nature?

Senator ERVIN. Senator? I am afraid we made a mistake when we passed the Omnibus Crime Act. It may be illegal for him to say anything about the conversation. I think maybe we were very foolish when Congress passed that law, but I believe it is the law.

Mr. BALDWIN. I will decline to answer that respectfully, Senator, based on 18 section 2515, prohibition of the use of evidence of intercepted wire or oral communications, which specifically states under this Federal statute that if I divulge those contents, I am subject to possible prosecution.

Senator ERVIN. On that basis I would suggest you not ask him.

Senator WEICKER. About how many calls did you monitor?

Mr. BALDWIN. Approximately 200.

Senator WEICKER. Will you describe how you recorded them?

Mr. BALDWIN. Initially, the first day, it was on a yellow legal pad. Mr. McCord took the actual log and copy that I had made. Subsequently, he returned to the room, I believe it was on Labor Day Monday, with an electric typewriter. He asked me to transcribe my notes into typewritten form, making up duplicate copies, an original and an onionskin. That is what I proceeded to do.

Senator WEICKER. Then, who would you transmit those logs to, Mr. McCord?

Mr. BALDWIN. Mr. McCord received both the original and onionskin, that is correct.

Senator WEICKER. At any time, did you hand those logs to individuals other than Mr. McCord?

Mr. BALDWIN. The one incident where I was telephoned from Miami and told to deliver the logs to the Republican headquarters, the Committee To Re-Elect the President, on Pennsylvania Avenue, which I did.

Senator WEICKER. Now, during these first 2 weeks in June, did you engage in any other activities? Physically, did you go over to the Democratic National Committee?

Mr. BALDWIN. That is correct, I did.

Senator WEICKER. Would you describe that particular incident?

Mr. BALDWIN. Mr. McCord appeared in the room on Monday, I believe it was the 12th of June, and advised me that—well, he furnished me a \$100 bill and said, you are going to have a ball this week, here. I am going to go over to the restaurant. I want you to hang around in the cocktail lounge, the restaurant, do visual surveillance of anybody from the Democratic headquarters. He gave me a pretext to take a tour of the Democratic headquarters.

I did not agree with his approach and I asked him if I could do it a different way. I followed that way and I was given a tour of the Democratic headquarters that day.

Senator WEICKER. Prior to the weekend of June 16 did Mr. McCord discuss the plans for the rest of that weekend and any subsequent plans?

In other words, what was the schedule of events for the weekend of June 16?

Mr. BALDWIN. Well, after the tour, Senator, of the McGovern headquarters it was obvious that Mr. Lawrence O'Brien was not in the Washington area, that he had been to Miami and was working in Miami.

Senator WEICKER. May I ask you this question, Mr. Baldwin, are you talking about McGovern headquarters or the Democratic National Committee?

Mr. BALDWIN. I am talking about the Democratic National Committee headquarters. After my tour there part of the information I received there Mr. O'Brien had not been in Washington for the past month or so or longer. He had been in Miami and Mr. McCord was quite pleased to hear this. And it appeared to me that it called for a rescheduling of the timetable because he got quite upset with the fact that I would have to, he would try to make some arrangement for me to go to Miami. He had already discussed with me the fact

Senator ERVIN. Did you ask Mr. Baldwin about what he did with the information he got from the wiretap?

Senator WEICKER. Mr. Chairman, I could have possibly missed such a question, I will ask him again in any event. To whom did you give this information, the information on the wiretaps?

Mr. BALDWIN. Other than the time I delivered it to the Committee To Re-Elect the President, I gave it to James McCord at all times. The onionskins were still in his briefcase the night I locked his briefcase. Some of them, I can't specify that every single copy of the logs were in his briefcase, but the night I delivered the logs to his home copies of quite a few of the conversations were in his briefcase.

Senator WEICKER. It is your testimony then that you gave these items to Mr. McCord with the exception of one time when you delivered them to the Committee To Re-Elect the President?

Mr. BALDWIN. That is correct.

Senator WEICKER. Whom did you give them to on that occasion?

Mr. BALDWIN. I left them with a guard that was in the lobby. I arrived after 6 o'clock and the guard was stationed in the lobby, the offices had been closed.

Senator ERVIN. I don't know whether it was brought out in what form he put them in.

How did you take the information which you gave to Mr. McCord with the exception of that one occasion—what form was it in?

Mr. BALDWIN. I am sorry, Senator, do you mean the actual way of transcribing?

Senator ERVIN. The information you got while you were at the Howard Johnson from the Democratic headquarters, what form was it in when you gave it to Mr. McCord?

Mr. BALDWIN. The initial day, the first day that I recorded the conversations was on a yellow sheet. On Memorial Day, I believe it is Memorial Day, on the holiday of May, I believe it was, 28th when he returned to the room he brought an electric typewriter, he instructed me in the upper left-hand corner to print, or by typewriter, the unit, the date, the page and then proceed down into the body and in chronological order put the time and then the contents of the conversation.

I used, as unit I used, the exact frequency that we were monitoring and after about 2 days Mr. McCord came back and said change that, anybody reading these things is going to know the frequency.

Senator ERVIN. And you typed a summary of the conversations you overheard?

Mr. BALDWIN. Well, they weren't exactly a summary, I would say almost verbatim, Senator.

Senator ERVIN. Almost verbatim.

And the names of the people who, as far as you could identify them, were using the phones?

Mr. BALDWIN. Well that is correct. Initially, it was very hard to establish names for maybe the first day or two. But subsequent to that you see the problem was I had never worked one of the units before and after Mr. McCord instructed me on how to operate it, I could tune it so that the minute the call was either going out or coming in I would then be in on the beginning but prior to that I would receive a little indication on the scope and I would be into the

conversation so I would not know who they asked for or who was calling. Professional, that was correct.

Senator ERVIN. Then you gave all the typewritten transcriptions of what you heard to Mr. McCord except on one occasion you mentioned?

Mr. BALDWIN. That is correct, Senator.

Senator ERVIN. You did not keep any carbon copies?

Mr. BALDWIN. No. Mr. McCord had the onionskins and they were still in his briefcase the night I locked it.

Senator BAKER. Mr. Baldwin, it is 10 minutes after 5 in the afternoon. Rather than proceed much further with the questioning, I am going to ask you a question or so, or rather, a few questions about a topic or so. Counsel and other members of the committee necessarily will defer their questions until later. May I assume you are agreeable to returning at the committee's pleasure to answer questions?

Mr. BALDWIN. Yes.

Senator BAKER. The first witness we have had in a long time who has been able to smile.

On the night in question, or, rather, the morning of June 17, 1972, when you were standing on the balcony of Howard Johnson's, you testified that you saw the lights come on on the eighth floor, you saw two men on the balcony of the sixth floor, you called on your walkie-talkie on the second occasion and said, are your men dressed casually? Someone replied, no, they are dressed in business suits. Did you know whom you were talking to?

Mr. BALDWIN. No, I did not, Senator.

Senator BAKER. Who had you been talking to previously inside the Democratic National Convention?

Mr. BALDWIN. With the walkie-talkie? Well, I hadn't used the walkie-talkie with anybody. Mr. McCord had used the walkie-talkie at all times. As I say, he had gone across the street.

Senator BAKER. Could you distinguish from the quality of the reception whom you were talking to? Could you recognize the voice?

Mr. BALDWIN. McCord's voice I could recognize. My assumption that I had to make was that there were two other units besides mine in operation, one unit that was turned on and the other unit that was turned off, because it was very obvious that one of the units was not on at a particular point.

Senator BAKER. All I am striving for is to know if you could identify the person you were communicating with when you asked, are your men dressed casually?

Mr. BALDWIN. I would be taking a—I am not positive of it, but at this point, I would not want to implicate somebody without being positive of it. I would recognize the voice subsequently as being Mr. Hunt's, since I have heard it on several occasions.

Senator BAKER. Hunt was inside the Democratic National Committee?

Mr. BALDWIN. Senator, I did not know where any of the individuals were other than Mr. McCord, when he walked across the street. I had no knowledge how many or who were across the street.

Senator BAKER. The voice who replied, "No, our men are in business suits," was not Mr. McCord's?

Mr. BALDWIN. Absolutely. I would know Mr. McCord's.

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A No, I do not. I can't even say for a fact the memo he typed that day came from the information. He did use a typewriter to type the memo in the room.

Q Did there come a time you learned what telephone was being monitored in the Democratic National Committee?

A Yes, I did.

Q Whose phone was it?

A The phone of Spencer Oliver.

Q Were you monitoring all the calls on that line?

A That is correct, all calls.

Q In-coming and out-going?

A That is correct.

Q From your monitoring of that telephone were you able to identify some of the individuals who used the phone besides Mr. Oliver?

A That is correct.

Q Can you tell us who those individuals were --

(Mr. MORGAN: (Mr. Charles Morgan, Jr., Esq. representing the ACLU) Your Honor, at this point I would like to interpose an objection. That is content under the statute --

THE COURT: -- You mean disclosing the individuals is disclosing the content of the conversation?

MR. SILBERT: Your Honor, I was going to approach [sic] the bench after he identified who it was he overheard.

MR. MORGAN: The identity is specifically covered by

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Mr. McCORD. In the offices themselves in connection with senior personnel officers of the Democratic National Committee, and specifically, Mr. O'Brien's telephone extension.

Senator BAKER. How many bugs did you plant?

Mr. McCORD. Two.

Senator BAKER. And where were they?

Mr. McCORD. Two were in offices that face Virginia Avenue. I think you have a sketch up on the board.

Senator BAKER. One of them was on Mr. O'Brien's telephone?

Mr. McCORD. That was an extension of a call director, that was identified as Mr. O'Brien's. The second was Mr. Oliver's—

Senator BAKER. The second one was where?

Mr. McCORD. In a telephone that belonged to Mr. Spencer Oliver, who is an executive director of the democratic State chairmen of the organization.

Senator BAKER. Were you specifically instructed by someone to plant those two bugs or just the O'Brien bug? Would you give us some detail on that?

Mr. McCORD. Sure.

Mr. Liddy had passed along instructions from Mr. John Mitchell. He set the priorities. Mr. Mitchell had stated priorities of the installation were first of all, Mr. O'Brien's offices and such other installations as that might provide information of interest to Mr. Mitchell and to whoever else the monitoring was to go to beyond Mr. Mitchell.

Senator BAKER. So the Oliver phone was bugged more or less by your choice, then, as distinguished from the O'Brien phone?

Mr. McCORD. No, I think the basic choice was this; the wording from Mr. Liddy was that Mr. Mitchell wanted it placed in a senior official's office, if not Mr. O'Brien's office, some other; in other words, two such installations.

Senator BAKER. Did you tape the doors on this first break?

Mr. McCORD. No, I did not, Mr. Hunt did.

Mr. BAKER. But they were taped?

Mr. McCORD. That is correct.

Senator BAKER. Now, you weren't apprehended on this first occasion, Memorial weekend. What was the purpose of the second entry into the Democratic national headquarters?

Mr. McCORD. You want hearsay information again, of course.

Senator BAKER. Yes, as long as it is identified as hearsay.

Mr. McCORD. Mr. Liddy had told me that Mr. Mitchell, John Mitchell, liked the "takes" in quotes; that is, the documents that had been photographed on the first entry into the Democratic National Committee headquarters and that he wanted a second photographic operation to take place and that in addition, as long as that team was going in, that Mr. Mitchell wanted, had passed instructions to Mr. Liddy to check to see what the malfunctioning of the second device that was put in, second, besides Mr. Oliver's, and see what the problem was, because it was one of the two things—either a malfunction of the equipment or the fact that the installation of the device was in a room which was surrounded by four walls. In other words, it was shielded, and he wanted this corrected and another device installed.

He also said Mr. Mitchell wanted a room bug as opposed to a device on a telephone installed in Mr. O'Brien's office itself in order to trans-

Mr. McCORD. It is accurate and correct to the best of my recollection, yes, sir.

Senator MONTROYA. Why did you turn down the overtures toward Executive clemency?

Mr. McCORD. Well, there are a number of reasons. In the first place, I intended to plead not guilty. I intended to fight the case through the courts of appeal, and I never had any intention of taking Executive clemency or pleading guilty, either; both of which were usually connected together when the terms were used. In other words, if you plead guilty, there will be Executive clemency offered to you. My basic position was essentially that I would not even dispute it, either one.

Senator MONTROYA. That is all, Mr. Chairman.

Mr. BAKER. Thank you, Senator Montoya.

[Whereupon at 12:40 p.m., the committee recessed to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION, TUESDAY, MAY 22, 1973

Senator ERVIN. The committee will come to order.

Counsel will proceed.

Mr. DASH. Mr. McCord, I just have a few questions. There were many questions put to you for the period of your testimony, and I just have a few, and I do understand Minority Counsel Thompson has some questions.

I think that one of the areas that has not been covered is the role of the person who was on the other side of the wiretap which you installed the end of May 1972. Now, did you employ Mr. Alfred Baldwin for that purpose?

Mr. McCORD. Yes, I did.

Mr. DASH. What was his particular assignment with regard to monitoring the wiretap?

Mr. McCORD. His assignment was to listen on a radio receiver that received the transmissions from the Democratic National Committee telephones, in which the electronic devices had been installed in connection with the two dates of Memorial Day weekend and June 17, 1972.

Mr. DASH. Where was he located when he was doing this monitoring?

Mr. McCORD. On the seventh floor of the Howard Johnson Motel across the street from the Democratic National Committee headquarters.

Mr. DASH. Now, Mr. McCord, can you see the chart on the easel there? [Exhibit No. 12, p. 101.]

Mr. McCORD. Yes, sir.

Mr. DASH. The drawing purports to show the Howard Johnson on your right and the Watergate Office Building on your left. Now, does it represent the room 723 which was used by Mr. Baldwin for monitoring of those telephones?

Mr. McCORD. Yes, it was.

Mr. DASH. And he was just right across the street in doing that?
Mr. McCORD. Yes, sir.

Mr. DASH. In his monitoring how was he recording what he was hearing?

Mr. McCORD. He was listening with headphones to the conversations that were being transmitted and would take down the substance of the conversations, the time, the date on the yellow legal-sized scratch pad, and then ultimately would type them up a summary of them by time, chronological summary, and turn that typed log in to me and I would deliver them to Mr. Liddy.

Mr. DASH. Did you deliver them to Mr. Liddy directly?

Mr. McCORD. Yes.

Mr. DASH. Now, did there come a time when you were delivering those logs that they were retyped?

Mr. McCORD. I know of at least one instance in which that occurred because I saw them being retyped.

Mr. DASH. Was it your understanding that that occurred on more than one occasion, even though you yourself may not know?

Mr. McCORD. Yes.

Mr. DASH. What was the purpose of retyping the log, did Mr. Liddy explain that to you?

Mr. McCORD. I believe some general explanation, in substance that he wanted them in a more final complete form for discussion with Mr. Mitchell and whoever else received them.

Mr. DASH. Now, who did this retyping?

Mr. McCORD. Sally Harmony, H-a-r-m-o-n-y, who was the secretary to Mr. Liddy at the Committee for the Re-Election of the President.

Mr. DASH. Did you have occasion to observe her typing the logs?

Mr. McCORD. Yes, I did.

Mr. DASH. Did you have occasion to talk to her while she was doing it?

Mr. McCORD. Yes, I did.

Mr. DASH. In that conversation you had with Sally Harmony, did she give you any indication that she understood what she was doing when she was retyping that log?

Mr. McCORD. Yes, she did.

Mr. DASH. As a matter of fact, could you briefly describe, without going into any of the contents what a log would be, what actually would be entered on the log which Mr. Baldwin would first type and then be retyped by Miss Harmony?

Mr. McCORD. It would be similar to any other telephone conversation that one person might make to another beginning with a statement on his log of the time of the call, who was calling who; a summary of what was said during the conversation itself, including names of persons who were mentioned that Mr. Baldwin apparently believed were of sufficient significance to set forth in the log.

Mr. DASH. Then it would be true that anybody reading that would have no difficulty knowing it came from a telephone conversation?

Mr. McCORD. That is correct.

Mr. DASH. I think you testified earlier, and I just wanted to get it clear for the record, that your discussions with Mr. Liddy concerning meetings he had with the Attorney General, indicated that Mr.

18. During the first or second week in June 1972, Magruder received transcripts of conversations intercepted from the DNC headquarters. The transcripts were typed on stationery captioned "Gemstone." In addition to the transcripts, Magruder was supplied with prints of the documents photographed during the initial entry into the DNC headquarters. During this period, Magruder handed his administrative assistant, Robert Reisner, documents on the top of which was printed the word "Gemstone." Magruder instructed Reisner to place the Gemstone documents in a file marked "Mr. Mitchell's file," which was to be used for a meeting between Magruder and Mitchell. Shortly after the June 17, 1972 break-in at the DNC headquarters, Magruder told Reisner to remove the Gemstone files containing transcripts of conversations and other politically sensitive documents from the CRP files. Thereafter Reisner destroyed certain documents.

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18.1 Jeb Magruder testimony, 2 SSC 796-97, 800	234
18.2 Robert Reisner testimony, 2 SSC 491, 494, 506-07, 526.....	237
18.3 "Gemstone" stationery, SSC Exhibit No. 16, 2 SSC 877.....	242
18.4 Sally Harmony testimony, 2 SSC 461, 467.....	243

for the equipment, and the early costs of getting this kind of an operation together. Mr. Mitchell understood, evidently told Mr. Stans it had been approved and the approval was complete.

Mr. DASH. Did you receive, Mr. Magruder, any progress reports after the approval by Mr. Liddy?

Mr. MAGRUDER. No, I did not.

Mr. DASH. Did you know that there was to be an entry in the Democratic National Committee headquarters?

Mr. MAGRUDER. Well, I assumed that it would be. I did not know specifically when Mr. Liddy would do that, as I recall. I do not remember that he discussed the exact date with me, no.

Mr. DASH. Well, do you recall a discussion that you had with Mr. Liddy concerning an effort to enter the McGovern headquarters?

Mr. MAGRUDER. Yes. I think after the, as I recall, it was after the first entry of the DNC headquarters, Mr. Strachan and I were in my office and Mr. Liddy came in, not in a formal meeting sense, just came in and indicated that he had had trouble the night before, that they tried to do a survey of the McGovern headquarters and Mr. Liddy indicated that to assist this he had shot a light out. At that time both Mr. Strachan and I both become very concerned because we understood from Mr. Liddy that he would not participate himself nor would anyone participate in his activities that could be in any way connected with our committee.

Mr. DASH. Now, after this entry into the Democratic National Committee headquarters, which you have testified to before this committee, which occurred on May 27, or around Memorial Day weekend of 1972, did Mr. Liddy report that to you?

Mr. MAGRUDER. Yes.

Mr. DASH. And what did Mr. Liddy tell you when he reported that?

Mr. MAGRUDER. He simply indicated that he had made a successful entry and had placed wiretapping equipment in the Democratic National Committee.

Mr. DASH. Did he report to you at all that he had a monitoring station at the Howard Johnson motel across the street?

Mr. MAGRUDER. My understanding, my recollection was that he had it in the truck somewhere but I guess he did not. That is, my recollection was that it was in the truck but I gather it was in the Howard Johnson.

Mr. DASH. Were you aware at any time of Mr. Baldwin's participation in this?

Mr. MAGRUDER. No, sir.

Mr. DASH. When did you get any of the fruits or the results of this bugging and photography operation?

Mr. MAGRUDER. Approximately a week, a week and a half after the initial entry we received, I received, the first reports; they were in two forms, one was recapitulation of the telephone conversations. They were done in a form in which you would know they were telephone conversations but they were not direct references to the phone conversations. And the second, photography, the pictures of documents that they had taken at the Democratic National Committee headquarters.

Mr. DASH. Was there any special feature about these photographs?

Mr. MAGRUDER. Well, the famous fingers were on the photographs, the rubber gloves with the fingers.

Mr. DASH. Now, the documents from which you say the capitulation of the telephone conversations—where were they placed and what was the form of those documents?

Mr. MAGRUDER. They were under the Gemstone stationery. You have seen it since I have.

Mr. DASH. Well, perhaps you can identify this for us.

Mr. MAGRUDER. I can see it. I have not seen it since June 19.

Mr. DASH. Take a look at this exhibit which has been entered into the record. Is that the form of the document?

Mr. MAGRUDER. Yes, sir.

Mr. DASH. Do you recall seeing an envelope of this kind?

Mr. MAGRUDER. I think that it did come in that form. I remember seeing the envelope. I can't recall whether the Gemstone material did come in that envelope, but it could have very well.

Mr. DASH. Now, you say you received it in two installments.

Mr. MAGRUDER. Yes, sir.

Mr. DASH. And did both installments include the typewritten telephone conversations and photographs?

Mr. MAGRUDER. As I recall, they both included that.

Mr. DASH. Did you show these so-called Gemstone materials with the photographs, to anybody?

Mr. MAGRUDER. Yes, I brought the materials in to Mr. Mitchell in my 8:30 morning meeting I had each morning with him.

Mr. DASH. At that time, where was Mr. Mitchell's office located?

Mr. MAGRUDER. He was now in the campaign, and he had an office in the campaign committee and he had an office in his law firm, and we would meet in either office depending on his schedule, and at that time, I showed him the documents, and I think as Mr. Reisner has discussed, I also had two files. He, as I recall, reviewed the documents, indicated, as I did that there was really no substance to these documents, and at that time, as I recall, it was at that time he called Mr. Liddy up to his office and Mr. Mitchell indicated his dissatisfaction with the results of his work.

Mr. DASH. Well, did he tell him anything more than he was dissatisfied. Did he ask for anything more?

Mr. MAGRUDER. He did not ask for anything more. He simply indicated that this was not satisfactory and it was worthless and not worth the money that he had been paid for it.

Mr. DASH. Mr. Magruder, did he mention anything about the fact of the O'Brien information, he did not see any O'Brien telephone—

Mr. MAGRUDER. There was no information relating to any of the subjects he hoped to receive, and Mr. Liddy indicated there was problem with one wiretap and one was not placed in a proper phone and he would correct these matters and hopefully get the information that was requested.

Mr. DASH. Did you show these documents, the so-called Gemstone documents, to Mr. Strachan?

Mr. MAGRUDER. As I recall, because of the sensitive nature of these documents, I called Mr. Strachan and asked would he come over and look at them in my office rather than sending a copy to his office,

information. We did not, of course, know what type of investigation would then be held. And we talked about types of alternative solutions.

One solution was recommended in which I was to, of course, destroy the Gemstone file. So I called my office and—

Mr. DASH. That solution came up as a result of that meeting?

Mr. MAGRUDER. Well, I think yes, it was generally concluded that that file should be immediately destroyed.

Mr. DASH. Now, as to Mr. Dean's participation, by the way, in these meetings, was Mr. Dean operating on his own, or what was your understanding of Mr. Dean's role at these meetings?

Mr. MAGRUDER. Mr. Dean was the person who had worked with us on many of these legal matters. He had brought Mr. Liddy to the meeting. He was a close associate of ours through Mr. Mitchell, and, of course, all of us knew Mr. Dean very well. And he was one person from the White House who worked with us very closely. It was very natural for Mr. Dean in this situation to be part of our meetings at this point in time because of his association and of his background.

Mr. DASH. And would he, from your understanding, be representing any White House interest at these meetings?

Mr. MAGRUDER. I think you would really have to ask Mr. Dean that question.

Mr. DASH. Now, did you instruct Mr. Reisner to destroy any other files?

Mr. MAGRUDER. As I recall, I asked Mr. Reisner to cull through my files, pull out any sensitive material that could be embarrassing to us. There was the suit that was placed against us by the Democratic National Committee that asked for immediate disclosure. As I recall, we all indicated that we should remove any documents that could be damaging, whether they related at all to the Watergate or not.

Mr. DASH. Mr. Sloan has testified before the committee, Mr. Magruder, that shortly after your return and after the break-in, that you asked him to perjure himself concerning the amount of money that Mr. Sloan had given Mr. Liddy. Could you state your own recollection of that discussion with Mr. Sloan?

Mr. MAGRUDER. Well, the first discussion—we had two meetings on Monday. The first meeting was when I determined from him that the money was our money, and we discussed that in his office. And he came up to my office, and in attempting to allay his concerns or to help him in some sense, give some advice, I think, we talked about what would he do about the money.

My understanding of the new election law indicated that he would be personally liable for cash funds that were not reported. These were not reported funds. So I indicated at that meeting that I thought he had a problem and might have to do something about it.

He said, you mean commit perjury? I said, you might have to do something like that to solve your problem and very honestly, was doing that in good faith to Mr. Sloan to assist him at that time.

Now, later we met three times, twice that week and once after he returned from his vacation. That was on the subject of how much money had been allocated to Mr. Liddy. Now, I, in thinking of about 7 months from the time we authorized the funds to the time of the November election, I thought that Mr. Liddy should have received

dictated that Mr. Magruder had a meeting in the Attorney General's office and that it was the intention at the time that this notation was made that Mr. Liddy would accompany Mr. Magruder to that meeting. This does not record the fact that such a meeting would have taken place.

Mr. LENZNER. Now, for the same date, February 4, is there also an indication that reads, file folders ready for AG?

Mr. REISNER. Yes, it does, at 2 o'clock.

Mr. LENZNER. Would you explain what that means?

Mr. REISNER. The nature of Mr. Magruder's, the way in which he prepared himself to go to meetings with Mr. Mitchell, both during the time that he was Attorney General and subsequently, was that he had two large gray file folders. One of them contained documents that Mr. Magruder wished to bring up with Mr. Mitchell, the other contained copies, identical copies of those documents and for Mr. Magruder's convenience so that if he handed Mr. Mitchell a copy of a document he would himself have a copy to refer to, and that is what this refers to. It means that those two folders were prepared with the documents that he wanted to take to the meeting with him.

Mr. LENZNER. Prior to the meeting with Mr. Mitchell, did Mr. Liddy ask you to obtain anything for him in preparation for that meeting?

Mr. REISNER. I am not certain whether this was the meeting. I do not remember Mr. Liddy going to meetings with Mr. Mitchell very often. I presume this was the meeting. I can remember a conversation with Mr. Liddy in which he came to me and indicated that he had something of the nature of a visual presentation that he wished to make and he was interested in being certain that there was an easel or something that he could mount this on in Mr. Mitchell's office. I subsequently tried to determine whether there was such assistance. I do not think I had it myself, I think I asked one of the secretaries to call Mr. Mitchell's secretary to make that determination, and there was none. That was the nature of the conversation and his inquiry.

Mr. LENZNER. Did you ever see Mr. Liddy with any charts or packages?

Mr. REISNER. I saw him with a package that I think might have been charts and might not have been charts, I can't say.

Mr. LENZNER. Do you remember approximately when that was?

Mr. REISNER. I relate it to approximately the same period of time.

Mr. LENZNER. Do you know if anybody else attended this meeting on February 4 or was scheduled to attend it besides Mr. Liddy and Mr. Mitchell and Mr. Magruder?

Mr. REISNER. I do not know. I have been shown the records that were kept by the secretary who worked for me, Vicki Chern, and in those records it indicates that Mr. Dean attended, would have been invited to attend that meeting too. That is what the records show. I have no recollection myself.

Mr. LENZNER. Now, in February or March of 1972, did Mr. Liddy furnish you with a document to give to Mr. Magruder?

Mr. REISNER. I think that we have discussed a document which Mr. Liddy gave to me. He from time to time would come into my office, which was located in front of Mr. Magruder's office, it was adjacent, when Mr. Liddy was unable to get in to see Mr. Magruder, because he was busy or for other reasons or perhaps he just hadn't

subsequent occasion, I think probably these are the documents—I mean, I think that this is the stationery.

Mr. LENZNER. You say the documents you saw at the grand jury are not—

Mr. REISNER. No, no, I have never been shown documents by Mr. Silbert or his staff. He indicated that he might at some future time do that. He, I do not think, has had an opportunity to do that. But at the time, I was asked to try to identify what I saw. And when I did so, I identified it slightly differently than this, but upon seeing this, I think that this is the same document. I am just trying to be accurate on that.

Mr. LENZNER. Now, approximately when did you see these documents and describe the circumstances surrounding your observations?

Mr. REISNER. During the week prior to June 17, and perhaps it was during the 2 weeks prior to June 17—I cannot be certain on exactly the time—I observed documents similar to this here.

Mr. LENZNER. You are referring to the stationery?

Mr. REISNER. I am referring to the stationery with “Gemstone” at the top.

Senator ERVIN. The stationery has already been marked for identification.

Mr. REISNER. It is exhibit 16 for identification.

On that occasion, it was simply in Mr. Magruder's hands or lying on his desk. I am not certain. Subsequently, I was handed the document and I was handed it in such a way that it was indicated to me very clearly that it was not for me to observe, that it was not for my conception.

At the time it was handed to me—that was the second time that I saw it. It was during those 2 weeks prior to the 17th.

Mr. LENZNER. It was Mr. Magruder who handed them to you in his office, is that correct?

Mr. REISNER. Yes, he did.

Mr. LENZNER. Did he hand what appeared to be stationery and the envelope together?

Mr. REISNER. My memory of the envelope is that it was slit open and that the stationery was either in it slit open or on top of it and that they were together.

Mr. LENZNER. What were his instructions? What were you supposed to do with these materials?

Mr. REISNER. At that time, I was doing the activity that I described a few moments ago; I was preparing Mr. Mitchell's files for a meeting with Mr. Mitchell. Now, he was campaign director at this time and it was a daily activity.

Mr. LENZNER. You were told—

Mr. REISNER. I was handed the documents and I was asked to put them in Mr. Mitchell's files. The nature of that is that things that Mr. Magruder might have wished to take up with Mr. Mitchell were put in the file marked “Mr. Mitchell's file,” and that is all. That does not indicate any more than that.

Mr. LENZNER. Is it accurate also that you saw these on a third occasion in Mr. Magruder's drawer?

Mr. REISNER. Yes, it is.

Mr. LENZNER. On either of those occasions, were there also photographs with the stationery and the envelope?

place at the White House or in the Executive Office Building. If it was a member, more junior member of the staff, it probably took place in our office.

Senator ERVIN. What senior members of the White House staff would Mr. Magruder meet with at the White House?

Mr. REISNER. Here, to be precise, he did not meet that frequently. He probably talked on the phone more with senior members of the White House staff. I think that he met with virtually all of the senior members of the White House staff that were concerned with either political activities of one kind or another or the campaign.

Senator ERVIN. And who would those senior members be?

Mr. REISNER. That would have been Mr. Colson, Mr. Dent, Mr. Ehrlichman, perhaps later, after the campaign got going and the platform was important, Mr. Haldeman, perhaps. All of these men, of course, were extremely busy. When Mr. Magruder went over there I was not certain whether in fact he had been able to see them or not. There were others.

Senator ERVIN. Which members of the White House staff came down to the committee headquarters of the Committee To Re-Elect the President to see Mr. Magruder?

Mr. REISNER. It would have depended upon the subject of the meeting. If the meeting concerned something that one of them was directly involved in—Mr. Timmons was the man who oversaw the convention. He would have come probably to the committee offices and met with Mr. Magruder and other people concerned with the convention. I would say that the more senior the member of the White House staff the less likely he would have had time to come to the committee and, therefore, they would have come less frequently.

Senator ERVIN. Did Mr. Dean ever come to the Committee To Re-Elect the President and consult Mr. Magruder?

Mr. REISNER. Yes, he did, and he did not come that frequently, he came on several occasions that I saw him there.

Senator ERVIN. Did you receive any instructions from Magruder about the shredding of documents after June 17, 1972?

Mr. REISNER. Well, yes, sir. I received instructions that related to documents that were later destroyed. What I received were instructions to look through the files and to try to centralize documents that were sensitive politically. The purpose—the instruction was not, go find political things and shred them, the instruction was “Go find the sensitive political documents that we have in our files and bring them to me.” And that is what I did. Some of these were subsequently destroyed, because they appeared in his outbox and were marked “destroy” and others I didn’t see again.

Senator ERVIN. What was the general nature of them?

Mr. REISNER. Virtually anything—well, I think Mr. Magruder’s secretary and I looked through his own files. I think other people on the committee did similar things and virtually anything that concerned the opposition, contenders, that sort of thing, that would have been awkward or politically damaging to—well, no, even broader than that. Anything that would have concerned the opposition.

Senator ERVIN. As I understand one of the files that you gave to Mr. Odle at the time that Mr. Magruder called from California was a file relating to the seven opposing contenders?

Mr. REISNER. I believe it was, yes, sir.

Senator ERVIN. In other words, that was done on candidates for the Democratic nomination?

Mr. REISNER. To be specific, I gave Mr. Odle two files, one that was contained inside another. One file was the file that has become known as the Gemstone file and I don't know what the contents were. I know from reading the newspaper now what I presume them to be.

The other file was a file concerned—it was called "attack" or "attack strategy." That concerned materials, that contained materials concerning the opposition, but I am not certain of exactly what was there on the 17th.

Senator ERVIN. Did you receive any documents from Mr. Liddy on June 16, 1972?

Mr. REISNER. Yes, I did.

Senator ERVIN. What were they?

Mr. REISNER. I received an envelope that I believe was similar to the one I identified as saying sensitive material on it. Mr. Liddy at that time gave me this envelope, which was sealed and said to me, "Here is an extra" or something like that; Magruder wanted a copy, Magruder wanted an extra. That is the document that I received.

Senator ERVIN. And you gave that to Mr. Magruder?

Mr. REISNER. No, I didn't.

Senator ERVIN. What became of it?

Mr. REISNER. Here is what happened to it. I put it in my drawer and that clearly would have fallen in the category, I presume, of documents similar to the one I have called the Gemstone file. The reason it would have is that it came in a similar envelope and Liddy had called it a copy.

On Monday morning, I discovered that I had not given that to Mr. Magruder—I mean to Mr. Odle—as I had been instructed to do. It was a copy, I presumed, of the material I had given to Mr. Odle and it was not with it. In fact, I guess I hadn't done what I was asked to do, to get that sensitive material out of the office.

At that point, I did not know Mr. Magruder was going to return that Monday morning; it turns out he was already in Washington. And thinking that it was a copy and sensitive material that should have been gotten out of the office, I destroyed it.

Shortly thereafter, Mr. Magruder came into the office and I realized I could have turned it over to him, so I realized it was a mistake on my part. I am sure he is learning for the first time about this.

Senator ERVIN. That was destroyed by shredding?

Mr. REISNER. Yes, sir.

Senator ERVIN. And that happened on June 18?

Mr. REISNER. Yes, sir.

Senator ERVIN. When were you first interviewed by the prosecuting attorney, Mr. Silbert?

Mr. REISNER. I met Mr. Silbert for the first time on April 8 of this year.

Senator ERVIN. And did you make a statement to him, substantially what you have made to the committee today?

Mr. REISNER. Yes, sir. It was not on April 8 that I made this statement. As a matter of fact, I had completely forgotten that action. You are speaking of the shredding of that document or the Gemstone?

fectly legal way, it would have been sensitive, but it would not have been any more sensitive than anything else that was taken home.

I gave it to Mr. Odle because I was told to give it to Mr. Odle and my relationship with Mr. Odle and his with Mr. Magruder was one of trust. I mean there was no reason not to give it to him. I was just asked to. I am certain I would have taken it home if Mr. Magruder had said it the other way.

Senator MONTOKA. Did you on that day do any shredding?

Mr. REISNER. No, sir.

Senator MONTOKA. Did you on any subsequent day do any shredding?

Mr. REISNER. Yes, sir.

Senator MONTOKA. Tell us about that.

Mr. REISNER. Subsequently, I, on Monday morning, as I have indicated—on Friday I had been given a document. I presumed it was a document. I had been given an envelope which was marked "sensitive material." When I was given that envelope—

Senator MONTOKA. Who gave you that envelope?

Mr. REISNER. Mr. Liddy. When I was given that envelope by Mr. Liddy, he indicated to me that it was a copy or an extra. It was standard operating procedure for me to get rid of copies. There were five copies made of all the documents that were given to Mr. Mitchell and clearly, that was not necessary for the files. Many of them were sensitive and I would get rid of them.

Now, on that Monday morning following the 17th, I discovered that I had not in fact taken home that copy—I had not given that copy to Mr. Odle as I had been instructed to.

Senator MONTOKA. I understood that from your testimony, but the point I am trying to make is did you shred many documents after June 17?

Mr. REISNER. Oh, no; not many. It is conceivable that Mr. Magruder might have put something in his out box and said, "destroy"—just written "destroy" on the thing, or "shred", or something.

Senator MONTOKA. Did you, on your own, take and examine files and cull out sensitive documents and shred them?

Mr. REISNER. There is a distinction. The distinction is that if it had been an original, it is extremely unlikely that I would have destroyed something that was an original without having Magruder indicate that he did not need it any more. If it was a copy, I am certain I destroyed many copies.

Senator MONTOKA. Well, after June 17, did you receive any instruction and pursuant to those instructions, if you did receive them, proceed to categorize documents as sensitive or confidential and then proceed to shred them?

Mr. REISNER. No, sir. The instructions were, find those sensitive materials that may be in the files and give them to me, which is what I did.

Senator MONTOKA. And I think you indicated in the previous testimony that you wanted to centralize the sensitive document in one particular file. That you did, too, did you not?

Mr. REISNER. What I did was I culled the files to find things that were sensitive, gave them to Mr. Magruder. It is conceivable that he put them all in one file. It is conceivable he might have given them

EXHIBITS SUBMITTED FOR THE RECORD

EXHIBIT No. 16

GEMSTONE

date_____

source_____

Mr. DASH. I am specifically addressing my question not to content but to identifying any names. So restrict the question to that.

Mrs. HARMONY. The name of Spencer Oliver and another name given as Maxie.

Mr. DASH. Did you ever receive any telephone logs from Mr. McCord? Do you know Mr. McCord?

Mrs. HARMONY. Yes; I have met Mr. McCord.

Mr. DASH. James McCord. How did you know Mr. McCord?

Mrs. HARMONY. He was the security officer for the committee.

Mr. DASH. Did he ever come to you with any memos or telephone logs for you to type?

Mrs. HARMONY. On one occasion, he asked me, stopped at my desk—Mr. Liddy wasn't in—and asked me for an envelope, put a piece of paper in it, and put it on Mr. Liddy's desk.

On another occasion, he did give a folded paper to me, which I looked at and recognized as being in the telephone conversations that I had done before, that Mr. Liddy had dictated.

Mr. DASH. Did you type these telephone logs on any particular stationery?

Mrs. HARMONY. Yes; Mr. Liddy had printed a stationery with the name "Gemstone" across the top of it. I don't recall, sir, that all of these logs were typed on that particular stationery. I think probably—

Mr. DASH. Did you have any directions as to how you were to use this stationery? When were you to use the so-called "Gemstone" stationery?

Mrs. HARMONY. I used it for the telephone conversations that I typed.

Mr. DASH. For the telephone conversations?

Mrs. HARMONY. Yes.

Mr. DASH. I would like to show you two pieces of stationery. Mrs. Harmony, do you recognize the stationery as that which had been delivered to you?

Mrs. HARMONY. I recognize the way it is set up, yes, sir.

Mr. DASH. Is that the stationery you used?

Mrs. HARMONY. Mr. Dash, I did not think the stationery was white. It might have been.

Mr. DASH. Did you receive the delivery of the Gemstone stationery?

Mrs. HARMONY. Yes, I did.

Mr. DASH. And when was that?

Mrs. HARMONY. I cannot recall specifically when it was delivered.

Mr. DASH. Now, did the stationery have a kind of printing on it like this?

Mrs. HARMONY. Yes, sir, I think it did although this at the bottom I do not remember the warning.

Mr. DASH. Who was the printer who printed the Gemstone stationery?

Mrs. HARMONY. Mr. Post.

Mr. DASH. And do you know at whose direction?

Mrs. HARMONY. I do not know.

Mr. DASH. And Mr. Post has submitted under subpoena these copies of stationery printed under Mr. Liddy's orders and delivered to you?

Mr. THOMPSON. The first one, when did you become aware of what was in it?

Mrs. HARMONY. Mr. Liddy gave it back to me and asked me to type it.

Mr. THOMPSON. You recognized the envelope as before?

Mrs. HARMONY. No, no, that I cannot make as a factual statement. It was out of the envelope but I assumed it was what Mr. McCord had given since he had given me one after that.

Mr. THOMPSON. You believe there were eight of these memorandums?

Mrs. HARMONY. That is a guess.

Mr. THOMPSON. When did you use the Gemstone stationery, the printed Gemstone stationery, how many times did you use that?

Mrs. HARMONY. Perhaps two or three, Mr. Thompson; I cannot be definite on that.

Mr. THOMPSON. The printed Gemstone stationery was used only on the illegal or the telephone bug results?

Mrs. HARMONY. Yes, as I recall.

Mr. THOMPSON. Going back again to the second category of the general intelligence information, for a while there I believe you used plain bond paper to type those memorandums?

Mrs. HARMONY. Yes, sir.

Mr. THOMPSON. Did you for a time type the word "Gemstone" across the top of it?

Mrs. HARMONY. Yes, sir.

Mr. THOMPSON. You had Ruby 1 and Ruby 2 references and so forth?

Mrs. HARMONY. Yes, sir.

Mr. THOMPSON. As far as the printing is concerned, that was only used for the telephone bug material.

Let me ask you just another question or two, Mrs. Harmony. You said Mr. Magruder contacted you in March of 1973. Actually, it was after your first interview with the committee staff, was it not? He contacted you on one occasion after?

Mrs. HARMONY. Mr. Thompson, as I recall, it probably was after I first talked to two of the people.

Mr. THOMPSON. That was on March 31, 1973?

Mrs. HARMONY. Yes, sir.

Mr. THOMPSON. Did you discuss with Mr. Magruder the fact that you had talked with the committee staff?

Mrs. HARMONY. I do not know whether I discussed it with him or not. He was aware that I had talked to them.

Mr. THOMPSON. Do you remember how the subject of Mr. Mitchell was first broached?

Mrs. HARMONY. No, sir, I do not know how it was first broached.

Mr. THOMPSON. Had you had any previous conversations with Mr. Magruder from June 17, 1972, or say, July of 1972, when you left the committee, up until this particular time?

Mrs. HARMONY. Yes, I had talked with Mr. Magruder previous to that.

Mr. THOMPSON. What did you talk about?

Mrs. HARMONY. Well, at one time, I was out of a job, so I was sent to Mr. Magruder to find another job with the committee.

Mr. THOMPSON. Did you talk about the Watergate affair during this period of time?

19. Before June 17, 1972 Liddy, Hunt, Barker and McCord engaged in certain preliminary intelligence activities preparatory to the Democratic National Convention to be held in Miami, Florida.

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Mr. DASH. All right now, Mr. Hunt, with regard to the Democrat Convention in Miami, did you give any assignments to Mr. Barker?

Mr. HUNT. I did.

Mr. DASH. And what, if any, assignment did you give Mr. Barker?

Mr. HUNT. We are speaking now only of the Democratic Convention.

Mr. DASH. Democratic.

Mr. HUNT. Mr. Barker's principal assignment was to develop a network of informants along the Miami Beach hotel complex who could report to us concerning campaign developments, convention developments, policies of individual Democratic candidates.

Mr. DASH. Did he also have an assignment to procure a houseboat as a base for electronic surveillance?

Mr. HUNT. Yes.

Mr. DASH. And did he also have an assignment to recruit some persons who might be disreputable looking young men, hippies, to pose as McGovern supporters?

Mr. HUNT. Yes.

Mr. DASH. What were they supposed to do?

Mr. HUNT. They were supposed to demonstrate in front of the Doral Hotel some evening and behave outrageously to bring discredit upon the bulk of the useful McGovern supporters.

Mr. DASH. Now, Mr. Hunt, I think you, in fact, did participate in the break-in of the Democratic National Committee headquarters at the Watergate on or about May 27, 1972, is that not true?

Mr. HUNT. I do not know if the word "participate" embraces it—

Mr. DASH. You did not make an entry yourself?

Mr. HUNT. No, sir, I participated in it.

Mr. DASH. And is it not true that you recruited Mr. Barker to bring up the team of Cuban-Americans to assist in this plan?

Mr. HUNT. Yes, sir.

Mr. DASH. And is it true that it was his job to engage in photographing Democratic Party documents?

Mr. HUNT. Yes, sir.

Mr. DASH. Now, it is true, is it not, that you also participated in the second break-in, using the "participating" as you indicated before that you definitely did not break in the Democratic National Committee headquarters on June 18, 1972?

Mr. HUNT. Yes, sir.

Mr. DASH. Where were you situated when the entry team was arrested?

Mr. HUNT. In room 214 of the Watergate Hotel, which is another building.

Mr. DASH. What did you do immediately after you were made aware that an arrest had taken place?

Mr. HUNT. I closed up Mr. McCord's briefcase, which contained electronic equipment, and with Mr. Liddy, we left the premises. I drove to the White House, where I inserted the briefcase belonging to Mr. McCord, into my two-drawer safe. I went—I believe I called Mr. Douglas Caddy's apartment, he being an attorney.

Mr. DASH. Who is Mr. Caddy?

Mr. HUNT. Mr. Douglas Caddy, an attorney and a former employee of the Mullen Co., and asked him if he could receive me at that early hour of the morning.

Mr. SACHS. I think Mr. Hunt would want me to say that it isn't that he doesn't feel well, but this has been going on for days and days, and I think it is fairly obvious really that he is rundown.

Senator ERVIN. Let us see.

I think maybe we have counsel also, I was trying to find in addition how many questions the Senators have.

Mr. SACHS. Mr. Chairman, if I might interrupt—

Senator ERVIN. Yes.

Mr. SACHS [continuing]. I do think it would be Mr. Hunt's preference if it were possible to finish today, assuming he could have some kind of a break now.

Senator ERVIN. Yes, we will give him a break now and we will see if we can finish. I know Mr. Hunt has been answering questions very freely, I think, and he has been cooperating with the committee, and the committee, I think, should cooperate with him. Whenever you are ready to resume, just let us know.

Mr. SACHS. May we have a 10-minute break?

Senator ERVIN. Yes.

[Recess.]

Senator ERVIN. The committee will resume with Senator Talmadge.

Senator TALMADGE. Thank you, Mr. Chairman, and I shall be very brief, and this will conclude my questions of Mr. Hunt.

Mr. Hunt, did you engage in any successful clandestine activities that you have not informed this committee about?

Mr. HUNT. Would you care to limit that, Senator, to a particular period of time?

Senator TALMADGE. During the time you were engaged in the operation of the Plumbers?

Mr. HUNT. No.

Senator TALMADGE. You did not. Now, was there a time when you discovered that Mr. Larry O'Brien, the chairman of the Democratic National Committee, and other officials had reserved a room at the Sonesta Beach Hotel at Key Biscayne?

Mr. HUNT. There came a time, Senator, if you will permit me to answer in the following fashion, that I was told by Mr. Liddy that Mr. Jeb Stuart Magruder had informed him that such a reservation had been made.

Senator TALMADGE. Did you instruct Mr. Barker to reserve two rooms at the Sonesta Beach Hotel near the room reserved for Mr. O'Brien?

Mr. HUNT. It would have been for the purposes of surveillance.

Senator TALMADGE. What type of surveillance?

Mr. HUNT. Electronic surveillance.

Senator TALMADGE. Whose idea was that?

Mr. HUNT. That was, as I understood it, Mr. Magruder's idea. However, I would like to add, I was told subsequently by Mr. Liddy in some heat that he had determined Mr. Magruder's initial information to be inaccurate. That, in fact, Mr. O'Brien had not made such reservations.

Senator TALMADGE. So that operation was aborted?

Mr. HUNT. It was an operation that had no basis.

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Senator TALMADGE. Never proceeded, it was aborted, recalled, killed?

Mr. HUNT. No, it never proceeded; yes, sir.

Senator TALMADGE. Now, did you tell Mr. Barker to find two safe houses in the area of the Democratic National Convention hall?

Mr. HUNT. I recall telling him specifically to acquire space in one building which was to the rear of Convention Hall. It had been suggested to me that I instruct him to obtain second quarters, a second site. If that is in fact so, I would suggest at this time that he received instructions from Mr. Liddy to acquire space in a second site.

Senator TALMADGE. For what purposes were these safe houses to be used?

Mr. HUNT. For visual observation and for the housing of the operational units.

Senator TALMADGE. That is the Plumbers Unit?

Mr. HUNT. For Mr. Liddy, myself, and our close associates who would be involved in the Miami Beach activities; yes, sir.

Senator TALMADGE. What criteria did you use in choosing these places?

Mr. HUNT. Their accessibility to the convention site, geographical position.

Senator TALMADGE. Did you instruct Mr. Barker to obtain information on blueprints of the Fontainebleu Hotel in Miami Beach?

Mr. HUNT. No, sir.

Senator TALMADGE. You did not.

Did you recruit Cuban employees at the Fontainebleu for possible intelligence activities within the hotel?

Mr. HUNT. They were not recruited. Senator. Mr. Barker and one of his associates, I believe, approached them with that in mind, but they were not recruited.

Senator TALMADGE. That was also aborted. Is that correct?

Mr. HUNT. Yes, sir. Mr. Barker and his friends were in jail by then.

Senator TALMADGE. Who gave the order to plan those activities?

Mr. HUNT. I did.

Senator TALMADGE. Thank you, sir. I have no further questions. Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. Hunt, when you were responding to the chairman's questioning, you made a statement that I would like to go back to, if I could, and ask you the following question: How did room 16, what was known as room 16 in the old Executive Office Building, know that Dr. Ellsberg had called a psychiatrist?

Mr. HUNT. On the basis of an FBI report.

Senator WEICKER. So this would be on the basis of a wiretap?

Mr. HUNT. That was my construction of the source of the report, Senator, based on my familiarity with the terminology and phraseology used when a telephone intercept is being disguised in a report that is for general dissemination.

Senator WEICKER. Are you aware of the fact that Mr. Liddy met with Mr. Mardian over at the Internal Security Division from time to time, on the Ellsberg matter?

Senator MONTROYA. Now, one final question: Do you definitely state to this committee that there was no offer of clemency made to you since June 17 up to the present time?

Mr. HUNT. I so state.

Senator MONTROYA. Did you have any conversation with anyone at the White House or at the CRP or any conversation communicated to any of these people through your attorney, Mr. Bittman, or his successor, with respect to clemency?

Mr. HUNT. No, sir.

Senator MONTROYA. Mr. Dean has testified here that there was an offer of clemency made to you, and that the President had authorized such offer to be made to you, and it has also been testified here previously by Mr. Caulfield, by Mr. Dean, that offers of clemency were communicated from higher—people who were in the upper echelons at the White House—that clemency would be extended to Mr. McCord.

Are you aware of that situation?

Mr. HUNT. I am aware of such testimony, sir.

Senator MONTROYA. Yes. Did it appear to you unusual that you did not receive such offers?

Mr. HUNT. When I heard Mr. Caulfield testifying to his efforts to get Mr. McCord to contemplate the reception of Executive clemency, I felt, I believe, an understandable sense of envy.

Senator MONTROYA. Did you recruit any of the Cubans for the Democratic National Convention at Miami?

Mr. HUNT. The Cuban-Americans with whom I was in contact were to be, were to have been, involved during the Democratic National Convention in Miami. Is that responsive to your inquiry, Senator?

Senator MONTROYA. Well, did you go around and try to recruit anyone in Miami for certain tasks during the Democratic National Convention?

Mr. HUNT. I personally? Not to the best of my recollection.

Senator MONTROYA. Did you use an alias in Miami prior to the Democratic National Convention, an alias of Edwardo?

Mr. HUNT. Yes, sir.

Senator MONTROYA. For what purpose did you use this alias?

Mr. HUNT. That was a hangover from the Bay of Pigs days.

Senator MONTROYA. Well, what was your mission and when did you use this alias in Miami?

Mr. HUNT. I used that in 1960-61.

Senator MONTROYA. You didn't use it prior to the Democratic—immediately prior to the Democratic National Convention?

Mr. HUNT. I was introduced from time to time by Mr. Barker to certain Cuban exiles who—Mr. Barker would, on that occasion would say, "That is Edwardo."

Senator MONTROYA. Why were you being introduced to these Cuban exiles as Edwardo?

Mr. HUNT. To indicate—in a nutshell—who I was and what I represented.

Senator MONTROYA. I didn't hear you.

Mr. HUNT. To indicate in very brief form who I was and what I represented.

different components that he was interested in, the transmission devices and the receiving devices in particular.

Senator MONTTOYA. And did you discuss with Mr. Liddy at that time as to manpower requirements and other necessary details to carry out the plans?

Mr. McCORD. Oh, yes, sir.

Senator MONTTOYA. Give us the substance of those conversations.

Mr. McCORD. He was interested in the overall cost, first of all, of these types of operations, specifically referring to electronic operations, what the pieces of equipment would cost, what it took to receive them, what types of receivers were best. He was interested in the best type of equipment in this sense for this operation. He wanted to know how many pieces of equipment it would take for the Democratic National Committee, for example, to transmit and receive transmissions from the Democratic National Committee headquarters; secondly, in connection with the McGovern committee headquarters; and thirdly, in connection with the Democratic National Convention site in Miami, Fla.

Senator MONTTOYA. What was the value of the equipment that you used at the Democratic National Committee?

Mr. McCORD. I would guess about \$15,000 in total but I am not sure.

Senator MONTTOYA. \$15,000?

Mr. McCORD. Fifteen, yes, sir.

Senator MONTTOYA. What was the value of the equipment that you used in Miami?

Mr. McCORD. I did not use any there, sir.

Senator MONTTOYA. Were you contemplating using the same equipment from the National Committee at the National Convention in Miami?

Mr. McCORD. No, sir, that was separate equipment.

Senator MONTTOYA. Where else were you going to use equipment?

Mr. McCORD. Those three places that I have stated—the McGovern committee headquarters, Democratic National Committee, and the convention site for the Democratic Party in Miami, Fla.

Senator MONTTOYA. Doesn't it stand to reason that for the expenditure of \$65,000, you were going to launch quite a few operations?

Mr. McCORD. There were three separate locations and it would take—

Senator MONTTOYA. Well, at the rate of \$15,000 apiece, you would have some equipment left for other operations.

Now, why was the budget so high?

Mr. McCORD. Well, I think to answer your question, sir, there was planned, for example, for the Democratic National Committee two separate operations there, not just the one that was initially planned. Mr. Liddy budgeted for what he felt was adequate equipment for all three locations and it would not simply take just—you asked the question of how much was the value of the equipment that was installed and I gave the figure of about \$15,000.

The additional equipment that was taken in was an additional cost factor there.

Does that answer your question, or have I not?

Senator MONTTOYA. Let me ask you this: Did you assume when you purchased this equipment for an approximate sum of \$65,000 that it

would be used solely for the three operations about which you had testified, or did you assume that this equipment would be used for other operations, to which you would not be related in involvement?

Mr. McCORD. Oh, yes, sir. This was a part of it.

Senator MONTROY. Sir?

Mr. McCORD. Yes, the walkie-talkie equipment, for example, was scheduled, as I understood it, for use in certain surveillance operations by the Cuban individuals referred to against demonstrators and violence-oriented groups in Miami, Fla. So that was an example of my reasons for answering yes to your question.

Senator MONTROY. So then am I to assume that other than your own involvement, there could have been other involvements in other parts of the country, or even in Washington?

Mr. McCORD. The communications, the walkie-talkie equipment specifically, I knew of no other immediate planned use of the electronic equipment; such could have been possible.

Senator MONTROY. How much telephone tapping equipment did you buy and was this just barely sufficient, or was this in surplus after you had serviced the needs for the three places which you had in mind at the time, namely, the Watergate, the Democratic convention in Miami, and the McGovern headquarters?

Mr. McCORD. In the neighborhood of \$45,000 worth of equipment planned for those three locations and possible other use against demonstrators in Miami.

Senator MONTROY. You had \$20,000 left in equipment, would you say?

Mr. McCORD. Perhaps more than that, sir.

Senator MONTROY. How much more?

Mr. McCORD. You are referring to the—I mentioned the, \$15,000.

Senator MONTROY. And then it stands to reason that you could reuse some of this equipment you were using at Watergate and that you intended to use at Miami and also at McGovern headquarters, is that not correct?

Mr. McCORD. No sir, I believe they were planned to be used concurrently.

Senator MONTROY. Sir?

Mr. McCORD. I think it was planned to be used in three separate operations concurrently.

Senator MONTROY. Did you have any other employees under you or under your direction who were performing any of the activities within the master plan that you worked on initially?

Mr. McCORD. Just Mr. Baldwin.

Senator MONTROY. And you stated that one of the purposes or objectives was to gather photographic information. Now who was in charge of this division?

Mr. McCORD. Mr. Hunt.

Senator MONTROY. And who was in charge of political espionage?

Mr. McCORD. Mr. Liddy, as I understand it, and Mr. Hunt were jointly involved in the two. I understood Mr. Liddy was in charge.

Senator MONTROY. All right. Who was involved in electronic surveillance?

Mr. McCORD. I was.

Senator MONTROY. All right.

Mr. BALDWIN. Approximately 200.

Senator WEICKER. Will you describe how you recorded them?

Mr. BALDWIN. Initially, the first day, it was on a yellow legal pad. Mr. McCord took the actual log and copy that I had made. Subsequently, he returned to the room, I believe it was on Labor Day Monday, with an electric typewriter. He asked me to transcribe my notes into typewritten form, making up duplicate copies, an original and an onion-skin. That is what I proceeded to do.

Senator WEICKER. Then, who would you transmit those logs to, Mr. McCord?

Mr. BALDWIN. Mr. McCord received both the original and onion-skin, that is correct.

Senator WEICKER. At any time, did you hand those logs to individuals other than Mr. McCord?

Mr. BALDWIN. The one incident where I was telephoned from Miami and told to deliver the logs to the Republican headquarters, the Committee To Re-Elect the President, on Pennsylvania Avenue, which I did.

Senator WEICKER. Now, during these first 2 weeks in June, did you engage in any other activities? Physically, did you go over to the Democratic National Committee?

Mr. BALDWIN. That is correct, I did.

Senator WEICKER. Would you describe that particular incident?

Mr. BALDWIN. Mr. McCord appeared in the room on Monday, I believe it was the 12th of June, and advised me that—well, he furnished me a \$100 bill and said, you are going to have a ball this week, here. I am going to go over to the restaurant. I want you to hang around in the cocktail lounge, the restaurant, do visual surveillance of anybody from the Democratic headquarters. He gave me a pretext to take a tour of the Democratic headquarters.

I did not agree with his approach and I asked him if I could do it a different way. I followed that way and I was given a tour of the Democratic headquarters that day.

Senator WEICKER. Prior to the weekend of June 16 did Mr. McCord discuss the plans for the rest of that weekend and any subsequent plans?

In other words, what was the schedule of events for the weekend of June 16?

Mr. BALDWIN. Well, after the tour, Senator, of the McGovern headquarters it was obvious that Mr. Lawrence O'Brien was not in the Washington area, that he had been to Miami and was working in Miami.

Senator WEICKER. May I ask you this question, Mr. Baldwin, are you talking about McGovern headquarters or the Democratic National Committee?

Mr. BALDWIN. I am talking about the Democratic National Committee headquarters. After my tour there part of the information I received there Mr. O'Brien had not been in Washington for the past month or so or longer. He had been in Miami and Mr. McCord was quite pleased to hear this. And it appeared to me that it called for a rescheduling of the timetable because he got quite upset with the fact that I would have to, he would try to make some arrangement for me to go to Miami. He had already discussed with me the fact

that I would be going to both the Democratic and the Republican Conventions but in view of this information that Mr. O'Brien was in Miami, this seemed to change his timetable for the rest of the week. That week at several different points he told me he would like to get my identification sewed up and get me down to Miami. He had to confer with some other individuals regarding this, so if I was approved I would be going to Miami.

Senator WEICKER. Now, on June 16, at around 4:30 p.m., did Mr. McCord appear in the room at the Howard Johnson?

Mr. BALDWIN. Yes, he appeared at Howard Johnson.

Senator WEICKER. What were your activities and his activities between 4:30 in the afternoon and 10 o'clock in the evening?

Mr. BALDWIN. Do you want every detail, Senator?

Senator WEICKER. I would like you to tell in a broad narrative sense the committee as to what he did.

Mr. BALDWIN. He gave me several instructions to buy some items for him, which I did, try to obtain some batteries, regular flashlight batteries, and what he called speaker wire which is regular wire.

I couldn't get the wire, so subsequently he left the room and went out. Part of the activity, he tested some type of a device on the phone. He tested a freestanding device next to the television, the—it has on it, fire alarm unit on it, I believe. So based—and I did some soldering of some batteries together during the course of that time.

He made phone calls, I believe, received one or two phone calls in the room. It was that general activity up to the point where he decided—the difficulty was there was a gentleman working in the Democratic committee.

Senator WEICKER. Did you know at that time he had planned to go into the Democratic National Committee?

Mr. BALDWIN. No, not until he was on the phone at one point that he said, "We still can't go over there because there is somebody working," and then I looked across and there was somebody working in the Democratic headquarters. He then told me, "We don't know whether we are going to abort." Approximately a half hour or so later this individual left and the decision was made to go across the street.

Senator WEICKER. At 10 p.m., then, was it your contention that Mr. McCord left the room?

Mr. BALDWIN. I don't know the exact time—no, no, he left later than 10 p.m.; you mean to go to the Democratic headquarters?

Senator WEICKER. Yes.

Mr. BALDWIN. He left at one point to go buy some equipment at a radio discount store or some place and then returned and then subsequent to that he again went across, then he left to go to the—across the street to the Democratic National Committee.

Senator WEICKER. Did he give you any instructions as to what your role would be on that particular evening?

Mr. BALDWIN. The only instructions that I received was just prior to him leaving, he removed a walkie-talkie unit. I believe hooked onto his belt or he had it inside a belt loop, put it on the table next to the television set and he said:

I am going across the street, we have got some people over there, I want you to watch. If you see anything, anything at all, any activity get on this unit and let us know.

20. On June 17, 1972 at approximately 2:00 a.m., McCord, Barker, Sturgis, Gonzalez and Martinez were arrested for burglary in the Watergate offices of the DNC. On September 15, 1972 Howard Hunt, Gordon Liddy, and the five men who had been arrested at the DNC headquarters were named in an eight-count indictment charging, among other offenses, conspiracy illegally to obtain and use information from the offices and headquarters of the DNC. Hunt, Barker, Sturgis, Gonzalez and Martinez entered pleas of guilty. Liddy and McCord stood trial and were convicted on all charges. On August 16, 1973 Jeb Magruder pled guilty to an information charging, among other offenses, conspiracy unlawfully to obtain and use information from headquarters of the DNC.

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Mr. DASH. All right now, Mr. Hunt, with regard to the Democrat Convention in Miami, did you give any assignments to Mr. Barker?

Mr. HUNT. I did.

Mr. DASH. And what, if any, assignment did you give Mr. Barker?

Mr. HUNT. We are speaking now only of the Democratic Convention.

Mr. DASH. Democratic.

Mr. HUNT. Mr. Barker's principal assignment was to develop a network of informants along the Miami Beach hotel complex who could report to us concerning campaign developments, convention developments, policies of individual Democratic candidates.

Mr. DASH. Did he also have an assignment to procure a houseboat as a base for electronic surveillance?

Mr. HUNT. Yes.

Mr. DASH. And did he also have an assignment to recruit some persons who might be disreputable looking young men, hippies, to pose as McGovern supporters?

Mr. HUNT. Yes.

Mr. DASH. What were they supposed to do?

Mr. HUNT. They were supposed to demonstrate in front of the Doral Hotel some evening and behave outrageously to bring discredit upon the bulk of the useful McGovern supporters.

Mr. DASH. Now, Mr. Hunt, I think you, in fact, did participate in the break-in of the Democratic National Committee headquarters at the Watergate on or about May 27, 1972, is that not true?

Mr. HUNT. I do not know if the word "participate" embraces it—

Mr. DASH. You did not make an entry yourself?

Mr. HUNT. No, sir. I participated in it.

Mr. DASH. And is it not true that you recruited Mr. Barker to bring up the team of Cuban-Americans to assist in this plan?

Mr. HUNT. Yes, sir.

Mr. DASH. And is it true that it was his job to engage in photographing Democratic Party documents?

Mr. HUNT. Yes, sir.

Mr. DASH. Now, it is true, is it not, that you also participated in the second break-in, using the "participating" as you indicated before that you definitely did not break in the Democratic National Committee headquarters on June 18, 1972?

Mr. HUNT. Yes, sir.

Mr. DASH. Where were you situated when the entry team was arrested?

Mr. HUNT. In room 214 of the Watergate Hotel, which is another building.

Mr. DASH. What did you do immediately after you were made aware that an arrest had taken place?

Mr. HUNT. I closed up Mr. McCord's briefcase, which contained electronic equipment, and with Mr. Liddy, we left the premises. I drove to the White House, where I inserted the briefcase belonging to Mr. McCord, into my two-drawer safe. I went—I believe I called Mr. Douglas Caddy's apartment, he being an attorney.

Mr. DASH. Who is Mr. Caddy?

Mr. HUNT. Mr. Douglas Caddy, an attorney and a former employee of the Mullen Co., and asked him if he could receive me at that early hour of the morning.

equipment and the cost of photographic equipment and specific items of equipment that would be used against the Democratic Party, the Democratic hierarchy in Washington primarily, but also in Miami, Fla. The electronic devices which he referred to specifically, were of a variety of types.

Mr. DASH. I am not asking specifically what the types were, but how were they to be used, where were they to be placed from your understanding?

Mr. McCORD. The initial interests specified by Mr. Liddy in this regard were, No. 1, against Mr. Larry O'Brien, then chairman of the Democratic National Committee in Washington, D.C., at his residence and subsequently at his office in the Watergate office building; perhaps other officers of the Democratic National Committee. The McGovern headquarters in Washington, D.C., were mentioned quite early in 1972. And there was some general reference to the Democratic National Convention facility or site wherever it might be located at this convention in the summer of 1972.

Mr. DASH. All right now, Mr. McCORD; in connection with this assignment, in which you were having these discussions with Mr. Liddy, did you come to associate yourself with Mr. E. Howard Hunt, Bernard Barker, Eugenio Martinez, Frank Sturgis, and Virgilio Gonzales?

Mr. McCORD. Yes; I did.

Mr. DASH. And as a result of that association and your agreement with Mr. Liddy, did you with Mr. Barker, Sturgis, Martinez, and Gonzalez illegally enter the Democratic National Committee headquarters on two occasions one on or about May 30, 1972, and the other in the early morning hours of June 17, 1972?

Mr. McCORD. I did.

Mr. DASH. On the first occasion on or about May 30, 1972, you installed two telephone interception devices or wire types on two office telephones; one on the telephone of Spencer Oliver and the other on the telephone of Lawrence O'Brien?

Mr. McCORD. I did.

Mr. DASH. Leaving aside for the time being why you broke into the Democratic National Committee headquarters at the Watergate on the second time on June 17 and what circumstance led to your arrest, you were in fact arrested by plainclothesmen of the District of Columbia Metropolitan Police shortly after you entered; is that true?

Mr. McCORD. That is correct.

Mr. DASH. Is that the arrest which led to your reconviction?

Mr. McCORD. That is correct.

Mr. DASH. Will you tell the committee, Mr. McCORD, why, after a lifetime of work as a law enforcement officer without, as you have testified any blemish on your career, did you agree with Mr. Liddy to engage in his program of burglaries and illegal wiretapping and specifically the two break-ins on May 30 and June 17 of the Democratic National Committee headquarters at the Watergate?

Mr. McCORD. There were a number of reasons associated with the ultimate decision of mine to do so. One of the reasons, and a very important reason to me was the fact that the Attorney General himself, Mr. John Mitchell, at his office had considered and approved the operation, according to Mr. Liddy.

JAMES F. DAVEY, Clerk

Grand Jury Sworn in on June 5, 1972

: Criminal No. 1527-72

: Grand Jury Original

: Violation: 18 U.S. Code

371. 2511

22 D.C. Code

1801(b).

23 D.C. Code

543(a)

(Conspiracy; Interception

of Oral and Wire Communi-

cations; Second Degree

Burglary; Unlawful

Possession Intercepting

Devices)

FIRST COUNT:

1. At all times material hereto the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United States.

2. At all times material hereto the Democratic National Committee had its offices and headquarters at 2600 Virginia Avenue, N.W., Washington, D.C.

3. At all times material hereto George Gordon Liddy, also known as Gordon Liddy and George F. Leonard and hereinafter referred to as defendant Liddy, was employed as counsel for the Finance Committee to Re-Elect the President located at 1701 Pennsylvania Avenue, N.W., Washington, D.C.

SIRICA, C. J.

THIRD COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez entered the rooms, that is, the offices and headquarters of the Democratic National Committee, with the intent to intercept willfully, knowingly, and unlawfully oral communications made within these rooms and wire communications received and sent from telephones located in these rooms. The terms "oral communication" and "wire communication" are used by the Grand Jury as they are defined in Title 18 U.S. Code § 2510.

(In violation of 22 D.C. Code § 1801(b))

FOURTH COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez willfully, knowingly, and unlawfully did endeavor to intercept oral communications made within the offices and headquarters of the Democratic National Committee.

(In violation of 18 U.S. Code § 2511)

FIFTH COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez willfully, knowingly, and unlawfully did endeavor to intercept wire communications received by and sent from telephones located in the offices and headquarters of the Democratic National Committee.

(In violation of 18 U.S. Code 2511)

Senator BAKER. Just one second, just a second, I do not mean to unduly interrupt counsel, but just so I can keep the continuity in my mind, that man across the street was in the Howard Johnson?

Sergeant LEEPER. That is correct.

Senator BAKER. Where?

Sergeant LEEPER. He was out on the balcony. I did not see him, Senator. It was just called to my attention by Officer Shoffler.

Senator BAKER. But you knew he was watching you?

Sergeant LEEPER. Yes, sir.

Senator BAKER. How long did he watch?

Sergeant LEEPER. I do not know, sir. I did not even look over. I just—

Senator BAKER. You had your guns out?

Sergeant LEEPER. I did not have my gun out but Officer Shoffler had his weapon out.

Senator BAKER. And you were on the floor of the DNC, the Democratic National Committee?

Sergeant LEEPER. Yes, sir.

Senator BAKER. The balcony outside?

Sergeant LEEPER. Well, it is referred to as the terrace.

Senator BAKER. Who was that fellow?

Sergeant LEEPER. It was later found to be James Baldwin.

Senator BAKER. Do you know how long Baldwin watched?

Sergeant LEEPER. I think from the time we pulled up in front here, sir.

Mr. DASH. All right. Then, what did you do? Did you leave the terrace at that time?

Sergeant LEEPER. Yes, sir, we responded back in the area of the hallway and we met up again with Officer Barrett down to this area, checking the offices that were open as we came down the hallway, and we came into this room here through a glass door, Officer Barrett was the first man followed by myself and Officer Shoffler. Officer Barrett responded up to this area here and I started into this little secretarial cubicle here, Officer Shoffler was somewhere in this area and at this point I heard Officer Barrett yell: "Hold it, come out."

Mr. DASH. Where was that voice coming from?

Sergeant LEEPER. Officer Barrett?

Mr. DASH. Yes; where was that voice coming from?

Sergeant LEEPER. Right in this area here, Officer Barrett was right in this area. At this time I responded back out of the cubicle into this cubicle, jumped up on the desk, drawing my weapon and when I looked over this glass partition there were five men standing in front of a desk with their hands either raised above their heads or at least shoulder high wearing blue surgical gloves.

Mr. DASH. What, if anything, did you see them doing at the time that their hands were up when you had your guns out on them?

Sergeant LEEPER. Some of the gentlemen, sir, had tried to remove the gloves by using, you know, taking one hand and trying to throw it off with the other.

Mr. DASH. Did you notice any kind of equipment or paraphernalia in and around where you found the men?

Sergeant LEEPER. Yes, sir. One of the men had, was carrying an a.w.o.l. bag, an overnight bag, semilarge brown bag with his coat

draped over it contained various items, cameras, bulbs, clamps for clamping the cameras to the desk, walkie-talkies, things of this sort.

Mr. DASH. Now, just going down toward the corner there from that room where you apprehended the men, the corner toward the bottom right corner, go all the way down to the large office in the corner there.

Sergeant LEEPER. Right in here, sir.

Mr. DASH. No; the large office in the corner, the very edge, whose office is that?

Sergeant LEEPER. That is the office of the chairman at that time of the Democratic Party was Lawrence F. O'Brien.

Mr. DASH. And was there entrance to that office from or access to it from where you found the men you apprehended?

Sergeant LEEPER. Yes, sir. As you can see by the chart, sir, you had access to that office.

Mr. DASH. And next to that office, to the left, whose office was that?

Sergeant LEEPER. That is the deputy chairman, sir, Stanley L. Gray.

Mr. DASH. Now, you at that point, what did you do with the men he apprehended at that point?

Sergeant LEEPER. We ordered them out from behind the desk and lined them up along the wall, facing the wall, hands on the wall, feet spread apart, and at that time I informed them who we were, they were under arrest for burglary and advised them of their rights and at that time, I directed Officer Barrett to begin a systematic search of each man.

Mr. DASH. Did you notice anything unusual about these men when you arrested them, the way they were dressed?

Sergeant LEEPER. They were well dressed, sir, in either suits, sport coats and ties.

Mr. DASH. Now, do you know the names of those people, did they give their names at that time to you?

Sergeant LEEPER. At that time, no, sir.

Mr. DASH. Did they give any names to you?

Sergeant LEEPER. Later, when they were booked in the precinct, taken to headquarters, 2301 L Street, they gave us names which later proved to be false names, aliases.

Mr. DASH. Did you later find out who they were?

Sergeant LEEPER. Yes, sir.

Mr. DASH. Could you name the persons who you arrested in that location by the names that later found out who they were to be?

Sergeant LEEPER. Frank Sturgis, Bernard L. Barker, James McCord, Eugenio Martinez, and I think it was Virgilio Gonzales.

Senator ERVIN. Virgilio Gonzales?

Sergeant LEEPER. I believe that is the way he pronounces his name.

Mr. DASH. Did you accompany them down to the station house?

Sergeant LEEPER. Yes, sir, we sent three of them down in a patrol wagon, one was transported, I think Mr. McCord, was transported in 83 scout and I transported Mr. Barker in the old clothes TAC unit, the unmarked cruiser.

Mr. DASH. At a later time did you come back and make any search of any room in the Watergate complex?

Sergeant LEEPER. I came back to the Watergate complex but the search was made by the Mobile Crime Unit. At the time we could

Officer SHOFFLER. Carl M. Shoffler, sir. Police officer assigned to special services bureau, address is 300 Indiana Avenue NW.

Mr. DASH. Were you on duty in the early morning hours of June 17, 1972?

Officer SHOFFLER. Yes, sir.

Mr. DASH. And what particular outfit or unit were you assigned to?

Officer SHOFFLER. Second district tactical squadron, casual clothes unit.

Mr. DASH. Were you at that time traveling with Sergeant Leeper?

Officer SHOFFLER. Sergeant Leeper and Officer Barrett and I were partners that particular evening.

Mr. DASH. Did you answer with those other officers a call to come to the Watergate complex?

Officer SHOFFLER. Yes, sir.

Mr. DASH. I have no further questions of the witness, Mr. Chairman. I think Senator Baker has some questions.

Mr. THOMPSON. One or two questions.

Officer Shoffler, do you recall when you received the word from headquarters to answer this call at the Watergate? Were you in the car with Sergeant Leeper?

Officer SHOFFLER. Yes, sir.

Mr. THOMPSON. Do you know, do you remember whether or not you responded to the effect that a uniform car should not be sent?

Officer SHOFFLER. On runs on a casual unit response, if a casual clothes unit takes the run normally a uniform car stays out of the area. I do not recall if particular instructions were given to them on that evening to stay out of the area.

Mr. THOMPSON. But it would not have been unusual for you to make such a request?

Officer SHOFFLER. No, sir.

Mr. THOMPSON. What time of the morning was this?

Officer SHOFFLER. Approximately 1:52 a.m.

Mr. THOMPSON. Were you working past your regular duty hours on that occasion?

Officer SHOFFLER. Yes, sir.

Mr. THOMPSON. What were your regular duty hours?

Officer SHOFFLER. 4 p.m. to 12 p.m., sir.

Mr. THOMPSON. Why were you working overtime that particular night?

Officer SHOFFLER. Our tactical squadron deals with whatever particular crime problem is—a problem at that time. We were having, we were experiencing a problem with office larceny and burglaries in the downtown area, and felt that working over may produce results.

Mr. THOMPSON. When you got there at the Watergate who did you meet at the Watergate complex?

Officer SHOFFLER. The guard, Mr. Frank Wills.

Mr. THOMPSON. What did Mr. Wills say to you at that time?

Officer SHOFFLER. Mr. Wills stated that he had discovered the doors had been taped in a manner as to allow entrance.

Mr. THOMPSON. Did he state anything else to you?

Officer SHOFFLER. I asked him if there had been any prior burglaries. We were aware of prior burglaries in the building but not at the particular floors. Mr. Wills related to us there had been burglaries, I believe, on the sixth and eighth floors.

CRIMINAL DOCKET

United States District Court for the District of Columbia

United States vs. GEORGE GORDON LIDDY, ET AL Cr. No. 1827-72 Preceding Supplemental Page No.

DEFENDANTS	ATTORNEYS	DATE	BOND
1. GEORGE GORDON LIDDY, aka Gordon Liddy, aka George F. Leonard -- (11/30/30)	1. Peter L. Maroulis 11 Capnon St. Roughkeaspie, N.Y. 1. Thomas A. Kennelly c/o Kennelly & Blum 1819 H St., NW	9-19-72	\$10,000.00 - 10% Dep. 9310 Ivanhoe Road Oxon Hill, Maryland
2. EVERETTE HOWARD HUNT, JR., aka Howard Hunt, aka Edward L. Warren and as Edward J. Hamilton -- (10/9/18)	2. William O. Bittman c/Hogan & Hartson 815 Conn. Ave., N.W. Austin S. Nittler, co-counsel 815 Conn. Ave. N.W. 3. William Ohlhausen (RET.) 3. Bernard Fensterwald, Jr. (RET.) 910 16th St. NW	2 1-2-74 9-19-72	PR ON APPEAL \$10,000.00 -- 10% Dep. 11120 River Road Potomac, Maryland \$100,000 Surety w/- Peerless Ins. Co. 11120 River Rd. Potomac, Md. 20854
3. JAMES W. McCORD, JR., aka Edward J. Warren and as Edward J. Martin -- (1/26/24)	3. John Albert Johnson One Center Plaza, Boston Mass. 3. Bernard Strankman 1511 K St., NW 3. Gerald Aitch: 1 Center Plaza, Boston, Mass.	6-23-72 3-7-73 7-11-73	\$30,000.00 - 10% dep. \$100,000.00 Peerless Ins. Co 77 Winder Court Rockville, Maryland Personal \$50,000-10%
4. BERNARD L. BARKER, aka Frank or Fran Carter -- (3/17/17) #4: Alvin L. Newmyer, Sr. 900 17th St., N.W. (7/8/22)	4. Henry B. Rothblatt 815 Conn. Ave., N.W. Donald Cope 808 Woodward Bldg. 5. Henry B. Rothblatt 815 Conn. Ave., N.W. Donald Cope 808 Woodward Bldg. #5: Alvin L. Newmyer, Sr. 900 17th St., N.W.	7-14-72	PR ON APPEAL \$40,000.00, Wisconsin Surety Company 5229 Northwest, 4th St. Miami, Florida
5. EUGENIO R. MARTINEZ, aka Gene or Jene Valdes -- (7/8/22) #5: Alvin L. Newmyer, Sr. 900 17th St., N.W.	5. Henry B. Rothblatt 815 Conn. Ave., N.W. Donald Cope 808 Woodward Bldg. 6. Henry B. Rothblatt 815 Conn. Ave., N.W. Donald Cope 808 Woodward Bldg. #6: Alvin L. Newmyer, Sr. a/c 900 17th St., N.W. #7: Alvin L. Newmyer, Sr. 900 17th St., N.W.	6-22-72	\$40,000.00- 10% dep. 2271 - 16th Terrace, S.W. Miami, Florida
6. FRANK A. STURGIS, aka Frank Angelo Fiorini, aka Edward J. Hamilton, and as Joseph DiAlberio or D'Alberio -- (12/9/24)	6. Henry B. Rothblatt 815 Conn. Ave., N.W. Donald Cope 808 Woodward Bldg. #6: Alvin L. Newmyer, Sr. a/c 900 17th St., N.W. #7: Alvin L. Newmyer, Sr. 900 17th St., N.W.	7-28-72	\$50,000.00, Wisconsin Surety Company 2515 Northwest 1220 St. Miami, Florida
7. VIRGILIO R. GONZALEZ, aka Raul or Raoul Godoy or Goboy -- (5/18/26)	7. Henry B. Rothblatt 815 Conn. Ave., N.W. Donald Cope 808 Woodward Bldg.	6-22-72	\$40,000.00- 10% Dep. 930 Northwest 23rd Avenue, Miami, Fla.
#4, 5, 6, 7: Daniel E. Schultz (RET.) 1990 M. St. NW #510	#3: John Truman 1. Center Plaza Boston, Mass.		

CRIMINAL DOCKET

United States District Court for the District of Columbia

PARTIES		ATTORNEYS	CRIMINAL NO.	B
UNITED STATES		U. S. ATTORNEY Silbert/Glanzer/Campbell	1827-72	
VS.			EACH: ORIGINAL	
PDID:	DOB		CHARGE: 18 USC 371, 2511; 22 DCC	
			1801(h), 23 DCC 543(a); (Con-	
		SEE PRECEDING PAGE FOR	spiracy; Interception of Oral &	
		ATTORNEYS	Wire Communications; 2nd Degree	
			Burglary; Unlawful Possession	
SEE PRECEDING PAGE			Intercepting Devices)	
			DATE FILED	BOND
			SEE PRECEDING PAGE FOR	
			BONDS	

DATE	PROCEEDINGS
1972 Sep 15	each: INDICTMENT FILED (8 Counts)
1972 Sep 15	EACH: Presentment of indictment made & filed in open Court; oral motion
*	by Earl Silbert, Asst US Atty, to have case specially assigned, heard &
	granted; Judge to whom case will be assigned will be made known at a
	later date. SIRICA, C.J. Rep-Nicholas Sokal
1972 Sep 18	EACH: ORDER assigning case to Chief Judge Sirica for all purposes.
	SIRICA, C.J.
1972 Sep 19	#1(Liddy): Appearance of Peter L. Maroulis, as counsel for deft.
	#2(Hunt): Appearance of William O. Bittman, as counsel for deft.
	#2(Hunt): Appearance of Austin S. Mittler, as co-counsel for deft.
	#3(McCord): Appearance of John Albert Johnson as counsel for deft.
	#4, #5, #6 & #7(Barker, Martinez, Sturgis & Gonzalez): Appearance of
	Henry B. Rothblatt as counsel for deft.
	EACH: Copy of indictment given deft;
	ARRAIGNED: Plea of Not Guilty entered. (a.m.) #1, #2(Liddy, Hunt) Oral
	motion by deft for release on personal recognizance heard in part; deft
	released in custody of counsel for purpose of obtaining report from
	D.C. Bail Agency; further hearing in matter continued until 2:00 p.m.
* 1972 Sep 15	#4, #5, #6, #7: Motion by Govt. for separate Counsel

(CONTINUED)

CRIMINAL DOCKET

United States District Court for the District of Columbia

United States vs. GEORGE GORDON LIDDY, ET AL Cr. No. 1827-72- Supplemental Page No. 21

Date	PROCEEDINGS
1973Jan 15	#4,5,6,7: PLEA not Guilty withdrawn; Plea Guilty entered to Count 1 (Conspiracy - 18 USC 371); Counts 2 and 3 (Burglary II - 22 DCC 1801(b); Counts 4 and 5 (Interception of oral and wire communications - 18 USC 2511); and Counts 6 and 7 (Unlawful Possession of Intercepting Devices - 23 DCC 543a); referred; surety bond of \$100,000.00 set by Court pending sentencing; committment; commitment issued. SIRICA, C.J. Rep: N. Sokal P. Maroulis, Atty. #1; G. Alch, Atty. #3 H. Rothblatt, D. Cope, A. Newmyer, Attys. #4,5,6,7
	#1,3: Trial resumed; same jury and 5 alternates; respited until Jan. 16, 1973; bond. (Reps: J. Maher and S. Hatch)
	#1,3,4,5,6,7: Transcript of Proceedings of 1-12-73, pages 300-352, including Court's copy; pages 302-352 included ORDERED SEALED AND ARE FILED IN OPEN SAFE.
	#4,5,6,7: Carbon copy of letter dated Jan. 12, 1973 signed by all 4 defts. addressed to Henry Rothblatt, relative to desires of defts. to plead guilty, etc., previously referred to as Court Exhibit #1 and ORDERED SEALED; UNSEALED this date and filed. SIRICA, C.J.
1973Jan 16	#1,3: Trial resumed; same jury and 5 alternates; respited until 1-17-73; bond. SIRICA, C.J. Reps: N. Sokal, J. Maher, E. Kaufman, N. Sokal P. Maroulis, Atty. #1; G. Alch, B. Shankman, Attys. #2
1973Jan 16	EACH: In re: Robert E. B. Allen, et al: Certified copy of ORDER USCA dated 1-16-73 DENYING petition for re-hearing. In re: Robert E. B. Allen, et al: Certified copy of ORDER USCA dated 1-12-73 ORDERING that no evidence of the contents of any of the allegedly illegally intercepted communications shall be admitted except under certain conditions; further ORDERED that, in the event of an appeal, the transcript of the in camera hearing, plus any evidence submitted in connection therewith, shall be sealed and delivered to the USCA. Attachment (1).
	"CONTINUED"

CRIMINAL DOCKET

United States District Court for the District of Columbia

United States vs. GEORGE GORDON LIDDY, ET AL Cr. No. 1827-72- Supplemental Page No 25

DATE	PROCEEDINGS
1973Jan 26	#1 et al: Transcript of Proceedings- excerpt of 1-23-73, pages 1277 thru 1298; Rep-N.Sokal Clerk's copy (Bond Motion)
1973Jan 24	#1&3: Trial resumed; same jury and five alternates. Respited until 1-26-73 at 9:30 A.M. Bond. SIRICA, C.J. Rep: E. Kaufman, T. Dourian & N. Sokal P. Maroulis & G. Alch, B. Shankman, Attys.
1973Jan 26	1 & 3: Trial resumed; same jury & five alts; defts' motion for mistrial heard and denied; respited until 1-29-73 at 9:30 a.m.; bond. SIRICA, C.J. Rep-N.Sokal, G.Horning (A.M.); (P.M.) J.Blair & N.Sokal #1 Peter Maroulis; #3 Gerald Alch, Bernard Shankman
1973Jan 26	4,5,6,7: Record on Appeal delivered to USCA; Deposit of \$7.00 by Don E. Schultz; Receipt from USCA for Original record.
1973Jan 29	1,3: Trial resumed; same jury and five (5) alts.; respited until 1-30-73; bond. Accommodations of Jurors filed, SIRICA,C.J. Reps-a.m. N.Sokal & J.Maher; p.m.S.Hatch Peter L. Marulis, Gerald Alch, Bernard Shantman,Attys #1: Motion by deft Liddy to dismiss the first count of the indictment.C/M 1-29-73. SIRICA,C.J.
1973Jan 30	1,3: Trial resumed; same jury and alts.; alts. excused; VERDICT AS TO EACH: GUILTY AS INDICTED; jury polled and discharged; each deft bond review; each deft referred & committed; commitments issued. Verdict of jury filed; accommodations of jurors. filed. SIRICA,C.J. Reps-J.Maher & N.Sokal 1-Mr.Maroulis,Mr.Kennely,Attys 3-Mr.Alch & Mr.Shankman,Attys
1973Jan 31	#1: Proposed instructions of the Govt. SIRICA, C.J. Proposed instructions of the deft. SIRICA, C.J. #1 et al: EACH: Order vacating as moot the Court's Order of 10-4-72, the amended Order of 10-6-72) and the Order of 1-8-73 -- all relating to extrajudicial statements. (N) SIRICA, C.J.
1973Jan 31	#1: Motion for release of deft pending sentencing. c/s
1973Jan 31	#3: Motion for admittance to bail pending sentence. C/S Attachment (1)
1973Feb 1	1: Response of Govt to motion of deft Liddy for bail pending sentence.
1973Feb 1	#3: Govt's response to motion for bail pending sentence. c/s
(CONTINUED)	

FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

1973
JAMES E. DAVEY, Clerk

UNITED STATES OF AMERICA)	Criminal No. 715-73
))	
))	Violation of 18 U.S.C. § 371
))	(Conspiracy to unlawfully inter-
v.)	cept wire and oral communications,
JEB STUART MAGRUDER)	to obstruct justice, and to de-
	fraud the United States of America)

INFORMATION

The United States of America, by its Attorney, the Special Prosecutor, Watergate Special Prosecution Force, charges:

1. At all times material herein, the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United States. Its offices were at the Watergate Office Building, 2600 Virginia Avenue, N. W. in the District of Columbia.

2. At all times material herein, the Committee for the Re-Election of the President was conducting campaign activities on behalf of the re-election of Richard M. Nixon as President of the United States, with office and headquarters at 1701 Pennsylvania Avenue, N. W. in the District of Columbia.

3. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, an agency of the United States.

4. On June 5, 1972, a Grand Jury of the United States District Court for the District of Columbia was duly

- 2 -

impanelled and sworn, and at all times material herein beginning June 23, 1972, the said Grand Jury was conducting an investigation in conjunction with the United States Attorney's Office for said District and the Federal Bureau of Investigation to determine whether violations of federal statutes had been committed in the District of Columbia and elsewhere, involving unlawful conspiracies (18 U.S.C. § 371), unlawful interception of wire and oral communications (18 U.S.C. § 2511), burglary (22 D.C. Code 1801[b]) and unlawful possession of intercepting devices (22 D.C. Code 543[a]), all statutes of the United States and of the District of Columbia, and to identify the individual or individuals who had committed such violations.

5. From May 1971 through November 1972, JEB STUART MAGRUDER, the DEFENDANT, was the Deputy Campaign Director of the Committee for the Re-Election of the President. Thereafter, he became Executive Director of the President's Inaugural Committee.

6. From May 1971 through November 1972 Herbert Lloyd Porter was the Director of Scheduling for the Committee for the Re-Election of the President. Thereafter he became Assistant Executive Director of the President's Inaugural Committee. JEB STUART MAGRUDER, the DEFENDANT, was his immediate superior in both positions.

7. Beginning in or around November 1971 and continuing thereafter through March 23, 1973, in the District of Columbia and elsewhere, JEB STUART MAGRUDER, the DEFENDANT, unlawfully, willfully, and knowingly did agree, combine, and

conspire with co-conspirators unnamed herein to commit offenses against the United States, to wit: (a) to unlawfully obtain and use, by illegal means and for illegal ends, information from the offices and headquarters of the Democratic National Committee and from related political entities and individuals, in violation of 18 U.S.C. § 2511 and other statutes of the United States and the District of Columbia; (b) to conceal, cover up, hinder, frustrate, impair, impede and corruptly endeavor to influence, obstruct, and impede the investigation, apprehension, and conviction of certain of the individuals involved in the planning, implementing and carrying out of the above described activities, in violation of 18 U.S.C. §§ 1503 and 1510; and (c) to defraud the United States of America and its Departments and Agencies, and more particularly the Department of Justice, by hindering, frustrating and impairing the lawful functions of the said Department by craft, deceit, and dishonest means, in violation of 18 U.S.C. § 371.

8. It was a part of the conspiracy that JEB STUART MAGRUDER, the DEFENDANT, and others unnamed herein would and did devise, implement, and carry out a strategy to unlawfully break into the above described headquarters of the Democratic National Committee, and the offices of related political entities and individuals, and unlawfully intercept various wire and oral communications taking place in said offices.

9. It was a further part of said conspiracy that JEB STUART MAGRUDER, the DEFENDANT, and other co-conspirators

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 20 1973

JAMES F. DAVEY, Clerk

UNITED STATES OF AMERICA)
)
)
 v.)
)
)
 JEB STUART MAGRUDER)

Criminal Case No. 77-5-73

O R D E R


The matter having come before the Court on an information filed by the Special Prosecutor as Attorney for the United States, and defendant Jeb Stuart Magruder having appeared in open court, represented by counsel, and waived indictment and entered a plea of guilty, and the Court having accepted the plea of guilty on August 16, 1973, it is now by the Court on this 20th day of August, 1973, with the consent of the Special Prosecutor,

ORDERED that having considered all the factors governing release pending imposition of sentence, the Court imposes the following conditions of release pursuant to 18 U.S. Code 3146(b) as necessary to assure the appearance of defendant as required:

1. Defendant may travel anywhere within the Continental United States but may not travel outside the United States without prior leave of the Court.
2. Defendant must report weekly, in person or by telephone, to the District of Columbia Bail Agency, any plans for travel within the United States and outside the Metropolitan area of the District of Columbia.

3. Defendant is to surrender his passport to the District of Columbia Bail Agency within one week of the entry of this Order.

4. Defendant is to remain in regular contact with his attorneys and his attorneys are to assure his appearance in court when and as required.


CHIEF JUDGE

Consent: 
Special Prosecutor

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